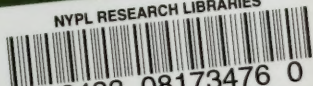


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*Millard Fillmore*

# THE REPUBLIC;

OR,

A HISTORY

OF THE

UNITED STATES OF AMERICA

IN

THE ADMINISTRATIONS,

FROM THE MONARCHIC COLONIAL DAYS  
TO THE PRESENT TIMES.

BY

JOHN ROBERT IRELAN, M. D.

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IN EIGHTEEN VOLUMES.

Volume XIII.

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HISTORY  
OF THE  
LIFE, ADMINISTRATION;  
AND TIMES  
OF  
MILLARD FILLMORE,  
*Thirteenth President of the United States.*

---

Trials and Compromises of Slavery,  
AND  
The Rise and Fall of the American Party.

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BY  
JOHN ROBERT IRELAN, M. D.

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# LIFE, ADMINISTRATION, AND TIMES

OF

## MILLARD FILLMORE,

ELEVENTH VICE-PRESIDENT AND THIRTEENTH PRESIDENT OF THE UNITED STATES.

July 9, 1850, to March 4, 1853.

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### CHAPTER I.

#### THE FILLMORE FAMILY.

“SEEST thou a man diligent in his business, he shall stand before kings; he shall not stand before mean men.” These poetic words reveal the key to the success of Millard Fillmore, and were appropriately employed as the text of a discourse to his memory, delivered at Buffalo soon after his death. Not by brilliant traits, but unremitting diligence and hard labor did Mr. Fillmore raise himself to public importance. A stroke of fortune, or something of the kind, did, indeed, put him in the Presidential Chair, but honest, faithful work had brought him to the point where this good fortune became possible. No collateral circumstances, perhaps, had pushed him forward. Diligence did it. In him the trite, and perhaps, even if the work of generations, unexceptionable

aphorism, "Labor overcomes all things," was literally fulfilled. Mr. Fillmore's origin makes his end admirable, even in America, where only until recently such a career was possible, and where similar means are the only royal road to success in any field.

Much has been made by the world from the earliest times, of men who have risen, in almost any department of human effort, above their fellows. Especially in war and politics has this been so, and those who have succeeded by any means in getting far beyond others have been called great and held up as examples. This thoughtless and erroneous distinction may not improperly include the "great and powerful robber chief," and the "great rascal." The flippant ease with which men are called great is deserving of little respect.

In this age the title of great must be won by the possession and exertion of genuine virtues, more clearly defined, perhaps, than at any other period of the Christian era. In very ancient times the possession of great virtues, even in an individual, served to mitigate or turn aside the supposed or real displeasure of Heaven from a whole State or community. By an undisputed virtue Abraham was accounted the Friend of God. That was, indeed, distinction worth having! So dash and glitter will not endure to-day, however they may carry the masses for a time. The purposes of men will, in a long life, appear in their acts; and the world, somehow, eventually esteems them for what they have thought and felt, as well as for what they have done. No deed



is great, however pleasing and deserving it may be, without a true and great motive. The standard of greatness in man is really the measure of his intrinsic goodness. It is not family, nor blood, nor manly beauty, nor the cunning of the fox, nor the wisdom of the serpent, nor wealth, nor poverty, nor long prayers, nor high places, nor undying fame. How far Mr. Fillmore deserved the real, as well as the sham, distinction of greatness may be seen, to some extent, in these pages; and how far he was indebted to family for his qualities and advance in life may be gathered with some degree of accuracy from the following account of his kindred and ancestors.

The Fillmore family was not large, and being confined to a narrow territory in New England, is easily traced through four or five generations in America. Nothing reliable is known of its European origin. It is supposed, however, to have come from the more obscure but sturdy independent class of the English population. John, the first mentioned in this country, where the history of the Fillmores really begins, was a sailor. He was captured by the French during Queen Anne's War, and died at sea while on his way home after a long imprisonment as a British subject at Martinique. In 1701 he had been married at Ipswich, Massachusetts, to Abigail Tilton, and with her left three children: John, born at Ipswich in 1702, nine months after the marriage of his parents; Ebenezer and Abigail, both born at Beverly. To his widow he left what was called an estate, consisting of a house, barn, and two acres of land near Wenham

Pond, on the road from Beverly to Wenham. This property he had bought for two hundred and fifty dollars; and besides this, his personalty left the widow amounted to nearly half as much. She was married again in 1717, and when her son, John, came of age in 1723, she gave up the "estate" to him, and he became administrator upon it. But the real estate was soon disposed of by John, and has ever since been out of the Fillmore family. The house long ago passed away, but the spot where it stood may be seen near North Beverly.

Notwithstanding the fate of his father, John so pressed his mother to let him go to sea that she finally consented for him to make a fishing voyage to Newfoundland. The sloop on which he was engaged was captured by the pirate John Phillips. Phillips, finding nothing on her that he desired, offered to let her go without molestation if John Fillmore were given to him. One of Phillips's crew knew Fillmore, and told the chief that Fillmore would make a strong and able pirate. Mark Haskell, Fillmore's captain, notwithstanding his powerlessness to cope with the corsair, determined to resist this demand at all hazard. Phillips, not caring to fight when it was unnecessary for obtaining his end, sent over a part of his crew with a threat, but accompanied by the promise to release Fillmore in two months if he did not like the vocation. On the ground of saving Haskell and his little crew Fillmore consented to this arrangement, hoping soon to be able to make his escape, to the

pirate's disadvantage. He, however, refused to sign the piratic compact, and for that was assigned harder services, and watched with some care. At the end of his two months Phillips told him that he needed him three months longer, when he would dismiss him. But at the end of this time he refused entirely to consider the matter, and Fillmore now saw that his only chance for liberty was by some plan of escape. His hardships became more serious and aggravating, and his life was a constant contest with Phillips for existence. As time passed some other unwilling men were pressed into the pirate's service; and with two of these, while the Captain and his crew were in a drunken debauch, Fillmore fell upon them and killed Phillips and others, and with some prisoners on board gained the mastery, and ran the pirate craft into Boston harbor. In the court of admiralty John Fillmore was highly complimented for his long-suffering, daring, and service to the country and world, and rewarded by a gift from the court of the gun, silver-hilted sword, silver shoes and knee-buckles, tobacco-box and two gold rings belonging to Phillips, the pirate. This very worthy exploit terminated John's sea-faring life. In the winter of 1824 he married Mary Spiller, and soon after settled in the woods as a farmer near Franklin, Connecticut, to which place some of his acquaintances, and possibly relatives, had emigrated. Here he reared a family, and passed the remainder of his days.

One of his sons, Nathaniel, settled at or near

Bennington, Vermont, and there lived throughout his life. He fought in the Revolutionary War, and was in the battle which took the name of his own town, as well as on other fields. He died in 1814, at an advanced age, after rearing a family of six children, who, like himself, lived to be very old, none of them dying under eighty. Of his wife's family little of importance can be found. Of his occupation, also, little is known, although it is probable that, like all or most of the Fillmores, he was a farmer. The next in line to this Revolutionary Nathaniel was his son Nathaniel, the father of President Millard Fillmore, born April 19, 1771, at Bennington.

In the winter of 1797 Nathaniel Fillmore was married to Phoebe Millard, the young daughter of Dr. Abiather Millard, of Pittsfield, Massachusetts, and soon afterwards set out with his brother, Calvin, to locate and establish a home in an unsettled part of New York. Spending the greater part of the year in this work, early in 1799 he took his young wife to her cabin-home in Cayuga County, a location in the selection of which he had shown a total want of business skill or foresight. Here, however, he succeeded in opening a little farm, and acquiring a title to it which he soon afterwards found to rest upon a poor foundation. After the loss of his land Fillmore took a lease of another tract in Niles Township, of the same county, and here in one of the poorest and most inconvenient parts of the State went to raising children and attempting to eke out

a bare existence, if not a miserable one. Although he had spent the greater part of his life as a young man and boy in working on a farm, and subsequently followed no other pursuit, like the great mass of men in any profession or calling he never exhibited much skill; and, notwithstanding his good age of nearly ninety, when he came to die he had not been successful. Yet the solid traits usually found in his family were always shown in him to such an extent as to secure him the esteem of his neighbors. While residing in Cayuga County he served for a number of years as justice of the peace.

In the spring of 1820 he removed to Erie County, and settled near Aurora, sixteen miles from Buffalo. There he secured a little farm, now styled the "Fillmore Place," which he mainly cultivated with his own hands until he became an old man. Here, too, he died, near the opening of the Rebellion, and after his son had reached the pinnacle of his fame. His body, with that of his first wife, who died at the early age of fifty, and that also of his second wife, "reposes" in the village grave-yard. Nathaniel Fillmore was a large and portly man, six feet or over in height, and, like most members of the Fillmore family, possessed of great vigor and strength of body, which he maintained to the end of his life. While his son was President he made a trip to Washington, and remained some time at the White House; but his plain tastes and habits were out of place at the gay Capital. He was present at one or two of the Presidential receptions; but did not appear greatly



elated over the things he saw, or the extraordinary good fortune of his son. He had been anxious for him to study law, and his success in his profession had been to him a source of pride and satisfaction, and in his latter years his son's resources added much to his own comfort. He was a man of exemplary habits, and of known integrity of character, but had no especial influence among his neighbors. He possessed a kind of rough, stern integrity, which was copied to a great extent in his only distinguished son, but with the added caution and policy which came from political aspirations and partisan contest. While he was not a pious man, or a member of a Church, he was a sincere believer in, and respecter of, Christianity.

The Fillmores were a race of strong, ponderous-sized men, usually of great longevity, and were laborious, plodding, unassuming, and of moderate mental capacities, seldom, however, exhibiting much inclination to cultivate what they had, and from John, the father of John, the forced pirate, to the President, men of great simplicity and integrity of character. From first to last none of them were public benefactors, especially or prominently; none of them were, in a marked way, exemplars of any great virtues, while all of them were men of general purity and uprightness of life; but two of all of them in the four or five generations known in America, rose to public distinction, and with these the race virtually ended. A family of well-developed men—mentally, morally, and physically—who



preserved this development to the end, and whose only source of pride was in this development, while it had nothing in it of which it could be ashamed.

Of the Millard family there is still less to be said. Mr. Fillmore's mother was the daughter of Dr. Abiather Millard, of Pittsfield, Massachusetts, a man of some ability and standing, but of quiet and undistinguished life. His daughter was married to Nathaniel Fillmore at the age of sixteen, and soon afterward entered upon her laborious life in the wildernesses of New York. The burdens of a large family and a rude home soon broke her health, and the latter part of her life was one of weakness and suffering. She died April 2, 1831, a few years after her son first entered upon his political life as a member of the New York Legislature. She was a woman of fine natural traits of mind and an amiable and admirable disposition; with a really delicate and refined nature, under other circumstances she would have been of some note in a sex having little opportunity or inclination for distinction. Like the mothers of most of the Presidents down to James Buchanan, Abraham Lincoln, Andrew Johnson, and all the later ones, she was, technically speaking, a woman of little education and culture. So little stress can be placed upon the benefits to be derived from thorough education in the lives of the mothers of the Presidents, that the subject hardly merits notice, and an attempt to make something in that way would be deserving of ridicule. Most of them have, indeed, been women of exemplary lives, good and admirable qualities of

mind, with general traits well suited to influence and shape praiseworthy tendencies in their sons. The mother of Millard Fillmore belonged to this class.

In the Historical Society Library, in Buffalo, there is a small portrait of the Rev. Gleazen Fillmore, a cousin of the President, which presents all the traits of face and body belonging to the family. Gleazen was a preacher of some ability, but did not rise to great prominence in the ministry. Still he was a man of even and reliable powers, and was highly respected both in and out of his ministerial calling. He died at an advanced age, in 1875. Gleazen, the son of Simeon, and Millard were the only members of the Fillmore family who chose learned professions, so-called, the others mainly being farmers. One of Mr. Fillmore's campaign biographers thus speaks of his parents:—

“Nathaniel Fillmore, the father of Millard, inheriting all the noble qualities of his ancestry, commenced life with nothing but an inflexible determination to succeed, for his heritage. He spent his early years in the place of his nativity; acquiring what knowledge his limited means would permit, and following the industrial pursuits to which he had been carefully reared. His vocation being that of a farmer, wholly dependent upon his own resources for whatsoever he acquired, he was in a position admirably calculated to develop a naturally good physical organization. His habits, from early youth, were exceedingly regular and temperate—so much so that he refrained entirely from the use of all stimulants. . . .

“Phœbe Fillmore was a lady of prepossessing appearance, and richly endowed with the amiable qualities of

soul for which the ladies of New England were proverbial in the early days of the Republic. . . .

“Though young in years, she fully understood the duties and responsibilities of a wife. Devotedly attached to her husband, she was ever careful to promote his happiness. With clear conceptions of her responsibilities as a mother, she was tenderly careful to instill into the minds of her children lessons of virtuous wisdom for their guidance. How much influence the examples of such parents have had in shaping the career of their distinguished son eternity alone can tell. It is a remarkable fact, that, in the perusal of our great men’s early histories, we find they all had excellent mothers.”

## CHAPTER II.

## MILLARD FILLMORE—HIS EARLY LIFE—AN AUTOBIOGRAPHY.

MILLARD FILLMORE, the second child and oldest son of Nathaniel Fillmore and his wife, Phœbe Millard, was born in Locke (now Summer Hill) Township, Cayuga County, New York, January 7, 1800. The following sketch of his early life, prepared by Mr. Fillmore himself, must be of more value than any that could be prepared by another hand. It was written by request of the Buffalo Historical Society, and under seal committed to its care, not to be opened until after Mr. Fillmore's death. At that date some sketches of the autobiography were published by Buffalo newspapers, but not until 1880 was it printed *verbatim* in the second volume of the Society's collections. Through the kindness of J. C. Beecher, a lawyer of Buffalo, and an intimate friend of M. P. Fillmore, this copy was taken for this work:—

I have been requested to state some of the early incidents of my life for the benefit of the Buffalo Historical Society; and, in compliance with that request, I proceed at once to the task. Believing that a humble origin affords no just cause of concealment or shame—and certainly not, even when fortune has smiled, for vain boasting

and self-glorification—I shall content myself by stating that I am the second child and eldest son of Nathaniel Fillmore and Phoebe Millard. I was born in Locke (now Summer Hill), Cayuga County, New York, on the seventh day of January, 1800. My father was a native of Bennington, Vermont, and my mother was a native of Pittsfield, Massachusetts. They were early settlers in what was then known as the “Military Tract.” At the time of my birth my father and his brother Calvin, and their wives, occupied the same log house in the midst of the forest, having no neighbor nearer than four miles.

About two years after my birth my father met with what seemed, at the time, a great misfortune; but was (at least so far as I was concerned) a blessing in disguise. He lost all his property through a bad title to the land which he had purchased. I say this was a blessing in disguise, as the township where he had located being high and cold, was one of the poorest in the whole “Military Tract,” and far removed from any thoroughfare or central point of business. In other words, it was completely shut out from all the enterprises of civilization and advancement, and remained so for more than half a century. My father then left the town and removed into what was then Sempronius (now Niles), in the same county. Here he took a perpetual lease of a small farm of about one hundred and thirty acres, wholly uncultivated, and covered with heavy timber. He built a small log house and commenced clearing the land; and it was at this place, and in these pursuits, that I first knew anything of life. That farm is about one mile west of Skaneateles Lake, ten miles from its outlet, and about one mile east of a little hamlet called New Hope.

I had, like most boys, a great passion for hunting and fishing, but my father was very unwilling to indulge it. He used to tell me that no man ever prospered who spent much of his time in hunting and fishing, and that those



employments were only fit for Indians, or white men no better than they. Consequently I had no gun, and could only enjoy the sport of shooting when I could borrow of a neighbor. Nevertheless, when I had any spare time I used to go down to the lake and fish and bathe in its limpid waters. It was, indeed, one of the clearest and most beautiful lakes which I have ever seen. The canoe seemed suspended in mid-air, and the fish could be seen at great depths.

The town of Niles, and especially that part of it, was then very sparsely settled. There were no schools, except such as were improvised for the summer, and taught by a woman of very limited education. The first that I recollect was at New Hope, in an old, deserted log house, which had been furnished with a few benches without backs, and a board for writing upon. Of course, nothing was taught but the most simple lessons in spelling and reading. When I was about ten years old a man was employed by the name of Amos Castle, who gave us some instruction in writing and arithmetic, and drilled us most thoroughly in "Webster's Spelling-book." I think I went through that book without missing in the spelling of a word, but I did not learn the definition of a single one. In fact, there was no such thing as a dictionary in school, and I had never seen one. From about the age of ten or eleven I could not be spared from the farm during the summer, and, therefore, only attended school for two or three months in the winter. Consequently, I forgot nearly as much in the summer as I learned in the winter. I, however, acquired some knowledge of arithmetic, and read Dwight's old geography of questions and answers, enough to have acquired some knowledge of geography, had there been any such thing as a map or atlas in school; but I never saw either until I was nineteen years of age.

When I was about twelve or thirteen some effort was

made to organize a school under our present admirable system of common schools; and after that there was some improvement in our teachers. One scholar had a copy of "Morse's Geography," which he permitted me to look at, and I devoured it with the greatest avidity. I recollect well the impression made upon me by the account given of Bruce's travels in Abyssinia.

I continued thus to work upon the farm in summer till I was in my fifteenth year. During that time, being large of my age and unusually strong, I learned to plow, to hoe, to chop, to log and clear land, to mow, to reap, and, finally, to do all kinds of work which is usually done in clearing and cultivating a new farm. But my father's misfortune in losing his land, and the scarcely less misfortune of having a hard, clayey soil for cultivation, gave him a great distaste for farming; and he was, therefore, anxious that his sons should follow some other occupation. His means did not justify him or them in aspiring to any profession, and therefore he wished them to learn trades.

In the fall of 1814 a neighbor had been drafted into the military service for three months, and he offered me what I regarded as a very liberal sum to take his place as a substitute. I was foolish enough to desire to accept the offer; but at the same time a man by the name of Benjamin Hungerford, formerly a near neighbor, but then living in Sparta, Livingston County, New York, where he had established the business of carding and cloth-dressing, came to my father and proposed to take me on trial for three months; then, if we were both suited, I was to become an apprentice to the business. My father persuaded me to abandon the idea of becoming a soldier, and to go home with Mr. Hungerford to learn a trade. He had come with an old team to purchase dye-woods and other materials for his business—his load was very heavy and the roads very bad—consequently I had to go on foot

most of the way, something like a hundred miles; but I endured this very well.

Up to this time I had never spent two days away from home, and my habits and tastes were somewhat peculiar. For instance, I was very fond of bread and milk, and usually ate it three times a day, regardless of what others ate. And here I will say, I think that this early habit, and the thorough training afforded by out-door exercise on a farm, gave me a constitution and digestive powers which have enabled me to preserve my health under all the vicissitudes of a varied life; and to my uniform good health and temperate habits I am chiefly indebted, under Providence, for any success I have attained.

But I found, when I got to Sparta, that milk was a luxury in which I could seldom indulge. On the contrary, I was compelled to eat boiled salt pork, which I detested, with occasionally pudding and milk, and buck-wheat cakes, or starve. This was very hard, but I did not complain. I was, however, more disappointed at the work I was required to do. I had become anxious to learn the trade, and supposed I should be put at once into the shop; instead of which I was set to chopping wood for a coal-pit. I probably manifested some disappointment, but I was reconciled to the work by being told that charcoal was indispensable for cloth-dressing; that I might be so situated that I could not purchase, and that therefore it was necessary to know how to make and burn a coal-pit.

I was the youngest apprentice, and soon found that I had to chop most of the wood, having very little opportunity to work in the shop; and as it seemed to me that I was made to enslave myself without any corresponding benefit, I became exceedingly sore under this servitude. One day, when I had been chopping in the woods, I came into the shop just before dark, tired and dissatisfied; and Mr. Hungerford told me to take my ax, and go up on



the hill and cut some wood for the shop. I took up my ax, and said (perhaps not very respectfully) that I did not come there to learn to chop, and immediately left, without waiting for a reply. I went on to the hill, mounted a log, and commenced chopping. Mr. Hungerford soon followed me up, and coming near asked me if I thought I was abused because I had to chop wood. I told him I did; that I came there for no such purpose, and could learn to chop at home; and that I was not disposed to submit to it. He said that I must obey his orders. I said: "Yes, if they are right, otherwise I will not; and I have submitted to the injustice long enough." He said, "I will chastise you for your disobedience;" and stepped toward me, as I stood upon the log, with my ax in my hand. I was burning with indignation, and felt keenly the injustice and insult, and said to him, "You will not chastise me;" and, raising my ax, said: "If you approach me, I will split you down." He looked at me for a minute, and I looked at him; when he turned and walked off. I am very glad that he did so; for I was in a frenzy of anger, and know not what I might have done. I had dwelt in silence and solitude upon what I deemed his injustice until I had become morbidly sensitive, and his spark of insolent tyranny kindled the whole into a flame. I do not justify my threat, and sincerely regret it; but the truth must be told.

The next day he asked me if I wished to go home. I told him I was ready to go, or would stay the three months for which I came, if I could be employed in the shop. He said I might be, and so I remained until the time was up; when I shouldered my knapsack, containing bread and dried venison, and returned to my father's on foot and alone. Mr. Hungerford came after me next year, but I refused to go with him.

I think that this injustice, which was no more than other apprentices have suffered and will suffer, had a

marked effect upon my character. It made me feel for the weak and unprotected, and hate the insolent tyrant in every station of life. Some acts of tyranny during the late rebellion have made my blood boil with indignation; but perhaps I was wrong, since the country at large seems to have borne them with more than Christian patience and humility.

One other incident that occurred during these three months of servitude may be mentioned. The only holiday which I was allowed was the first day of January, 1815; when I went, with the other employés of the shop, to the house of a Mr. Duncan, where the day was to be celebrated. There I witnessed for the first time the rude sports in which people engaged in a new country; such as wrestling, jumping, hopping, firing at turkeys and raffling for them, and drinking whisky. I was a spectator of the scene, taking no part, except that I raffled once for the turkey that was perched up in our corner of the room, and won it. No persuasion could induce me to raffle again; and that was the beginning and end of my gambling, if it might be called such, as I have never since gambled to the value of a cent.

In 1815, I commenced my apprenticeship with Zaccheus Cheney and Alvan Kellogg, who carried on the business of carding and cloth-dressing at Newhope, near my father's residence. I was indentured, but the verbal bargain was, that I was to serve during the season of wool-carding and cloth-dressing—which usually lasted from about the first of June to the middle of December—until I arrived at the age of twenty; for which I was to be taught the trade, and receive fifty-five dollars for each year, except the last, when the amount was to be increased. This was thought to be sufficient for my clothing and spending money, and all the rest of my time and earnings belonged to my father, who had a large family and a sickly wife to support. I was well pleased with my situation, and all things

went on smoothly and satisfactorily. The apparent impossibility of anything better or higher suppressed hope, and enforced contentment. I went to school some, during the winters of 1816 and 1817, and worked on the farm during the spring. I had thus far had no access to books beyond the school-books which I had, as my father's library consisted only of a Bible, hymn-book, and almanac, and sometimes a little weekly paper from Auburn; but in 1817 and 1818 a small circulating library was established in the town, and I managed to get a share which cost me two dollars. Then, for the first time, I began to read miscellaneous works. Still I had very little leisure to indulge in this luxury. I read without method or object; nevertheless, I read enough to see the need of a better knowledge of the definition of words. I, therefore, bought a small dictionary, and determined to seek out the meaning of every word occurring in my reading, which I did not understand. While attending the carding machines, I used to place the dictionary on the desk—by which I passed every two minutes in feeding the machines and removing the rolls—and in this way I could have a moment in which to look at a word and read its definition, and could then fix it in my memory. This I found quite successful.

The winter that I was eighteen years of age, I was employed to teach a country school in the town of Scott, at the head of Skaneateles Lake. This was at that time a very rough and uncultivated place, where the boys, the winter before, had driven out the teacher and broken up the school. It was not long before I saw that the question who was master had got to be decided. One of the boys set my authority at defiance, evidently with the intention of bringing on a fight. I ordered him up for chastisement. Immediately the larger boys sprang to their feet, and one attempted to seize the wooden poker; but I was too quick for him, and raising it, I stamped my

foot and told them to sit down—and they obeyed. I punished the guilty one without further interference; but it raised a breeze in the neighborhood. A school meeting was called, which I was invited to attend, and did. I then found it to have been represented that I punished scholars with a poker. I stated the facts, and told them that I was ready to quit the school if they desired it; but that while I remained I should be master, even if I used the poker in self-defense. After some discussion they concluded that the school should go on, and I had no further trouble. After my school closed, finding nothing better to turn my hand to, I attended a saw-mill for a month or two, and then shouldered my knapsack, and came out to Buffalo, to visit some relatives and see the country. That was in May, 1818, and Buffalo then presented a straggling appearance. It was just rising from the ashes, and there were many cellars and chimneys without houses, showing that its destruction by the British had been complete. My feet had become blistered, and I was sore in every joint and muscle; and I suffered intensely. I crossed the then Indian reservation to Aurora, and recollect a long rotten causeway of logs extending across the low ground from Seneca Street nearly to the creek, over which I paddled myself in a canoe. I staid all night at a kind of Indian tavern about six miles from Buffalo, kept by a man by the name of Lane. A number of drunken Indians and white men kept up a row during most of the night. Next day I went through the woods alone to what is now Willink, and thence into the town of Wales, where a couple of weeks of rest healed my blistered feet and restored my suffering muscles. I then traveled back through Geneseo, with great ease, making one day, forty miles. Then for the first time I saw the rich bottom-lands of the Genesee River, and the beautiful village of Canandaigua, which seemed to me an earthly paradise.



I returned to my apprenticeship in June, and improved every leisure moment in studying and reading. My attempt to teach had made me conscious of my deficiency. I therefore decided to attend school, if possible, the next winter. But the best school was in a different part of the town from that in which my father lived, and I had no means to pay my board. Nevertheless, I was determined to go to school; and I effected an arrangement with a farmer by which he was to board me, and when the school closed I was to work for him, chopping two days for every week's board, which I did. I then, for the first time in my life, heard a sentence parsed, and had an opportunity to study geography with a map. I pursued much of my study with, and perhaps was unconsciously stimulated by, the companionship of a young lady whom I afterward married.

About this time my father sold his farm, and removed to Montville, Cayuga County, where Judge Walter Wood resided. He was a gentleman somewhat advanced in years, and reputed to be very wealthy. He had farms and tenants scattered over several counties on the old Military Tract. The titles were often the subject of litigation, and his professional business was mostly limited to actions of ejectment. He had a good library, and was a man of remarkable energy and of methodical business habits; and from his example and training I derived essential benefit, especially from his scrupulous punctuality. He was, in religious sentiment, a Quaker, using the Quaker's plain language, dressing in their style, and punctually attending the "meeting" twice a week, and his office the other days of the week from sunrise till nine o'clock in the evening.

Some persons, without my knowledge, had suggested to my father that it was possible for me to be something more than a carder of wool and a dresser of cloth; and he was induced to apply to Judge Wood to know if

he would receive me into his office on trial, for a little time, before I went back to my apprenticeship, and he consented. I knew nothing of this until, at the dinner-table, my mother informed me of it; and the news was so sudden and unexpected that, in spite of myself, I burst out crying, and had to leave the table, much mortified at my weakness. Suffice it to say, I went immediately into Judge Wood's office, and he handed me the first volume of Blackstone's Commentaries, and said: "Thee will please to turn thy attention to this." I commenced reading, but without understanding much that I read. I soon, however, discovered that I was reading the laws of England, and not of the State of New York. Not having been told that the laws of New York were founded upon the English law, I felt sadly disappointed, as my study seemed a waste of time. I, however, continued to read, as directed; but received no instruction or explanation from Judge Wood. I was occasionally sent out to attend to some business in the country among the Judge's numerous tenants; and, so far as I know, I discharged the duty satisfactorily.

When I was about to leave the office and return to my apprenticeship, the Judge said to me: "If thee has an ambition for distinction, and can sacrifice everything else to success, the law is the road that leads to honors; and if thee can get rid of thy engagement to serve as an apprentice, I would advise thee to come back again and study law." But I said: "I have no means of paying my way during the long clerkship of seven years that I must serve before I can be admitted to practice." He said: "I can get thee some employment in attending to my business in the country; and, if necessary, I will advance thee some money, and thee can repay it when thee gets into practice."

All this seemed very generous and kind; but how was I to get released from my engagement to serve as an apprentice? To serve out my time was to waste a precious

year and a half in learning a trade that I never intended to follow, and to lose so much precious time for the study of the law. I had not the money to buy my time, nor any friend from whom I could borrow it. True, I was not bound by any legal indenture, but I had given my word, and that, in my estimation, was equal to my bond. So I saw no way in which my rising ambition could be gratified, and I returned, rather dejected, to my apprenticeship. In the meantime one of my employers, Mr. Cheney, had quit the business and gone to farming. During the summer and autumn I sounded Mr. Kellogg on the subject of purchasing my time; and finally he consented to give up my last year if I would relinquish any claim I might have for the increased compensation, which I was to receive for that year, and pay him thirty dollars. I agreed to this most willingly, and was to pay him as soon as I could earn it. I was then in my twentieth year, and immediately took a school for the winter, borrowing one or two law books from Judge Wood to read mornings and evenings. When my school closed I went into his office again, and continued my studies until the next winter, when I took the same school, and at its close returned to my law studies.

During the summer of 1821 the Fourth of July was celebrated in the village of Montville, where I was living, and, by request, I delivered a short address. I am sure it had no merit, but it gave me a little notoriety in the vicinity, and a gentleman having a suit before a justice of the peace in an adjoining town, came and offered me three dollars to go and pettifog for him. I got leave of absence and went; but, fortunately for my untried powers, the suit was settled, and I got my first fee without exposing my ignorance.

Judge Wood, however, soon got wind of it, and inquired of me about it; and I frankly told him the whole truth. He said he did not approve of my attending causes before justices of the peace. He instanced several cases

of the injurious effect of this, and, among others, that of Elisha Williams, "who," he said, "would have been an able advocate were it not for the slang he acquired in attending causes before justices of the peace."

I pleaded my poverty, and the necessity I was under of earning a little something when such opportunities presented. But he was inexorable, and said I must promise not to do it again or we must separate. I became suspicious, and perhaps unjustly, that he was more anxious to keep me in a state of dependence, and use me as a drudge in his business by looking after his tenants, than to make a lawyer out of me. But I was resolved to be a lawyer, and nothing else. I, therefore, after expressing my gratitude for his favors, and my regret at leaving (for it seemed to dash all my hopes), told him with great emotion, that I would go. We settled, and I owed him sixty-five dollars, for which I gave him my note, afterwards paying it with interest; and this is the only aid I ever received in obtaining my profession.

My father had then become a resident of Aurora, in the county of Erie; and with four dollars in my pocket (three dollars of which was my fee aforesaid), I started for his house, and arrived there the last of August or 1st of September, 1821, hoping, like Micawber, that something would "turn up." Nevertheless, I was very much discouraged. It so happened that a relative of mine had a suit pending before a justice of the peace, which was to be tried in a few days after my arrival, and he requested me to attend to it, which I did, and succeeded. This brought me somewhat into notice in that vicinity, and I had several other cases during the winter. As the rules of the court then stood, it required seven years' study in an attorney's office before I could be admitted to practice, and I was therefore desirous of getting into some such office; but no opportunity presenting, I took a school at East Aurora for the winter, and managed to attend several



suits before justices on Saturdays, without neglecting my duties as teacher. In the spring of 1822 I came to Buffalo, where I was an entire stranger, and took a district school. This I did to enable me to pay my way, as nothing was then allowed to clerks for their services in lawyers' offices. I soon entered as a clerk in the office of Asa Rice and Joseph Clary, in this city. I continued to teach and study until the spring of 1823, when the Court of Common Pleas (as a matter of grace), at the solicitation of some of the older members of the bar, whose acquaintance I had made, admitted me to practice. But not having sufficient confidence in myself to enter into competition with the older members of the bar here, I opened an office at East Aurora, where I practiced till May, 1830, when I formed a partnership with Joseph Clary and removed to Buffalo, which has ever since been my place of residence.

I was first elected to the Assembly in the fall of 1828; and the rest of my public life is a matter of public record and need not be noticed here.

I was admitted as an attorney of the Supreme Court in 1827, and as counselor in 1829; and continued my practice up to January 1, 1848, when I relinquished my profession and entered upon my duties as Comptroller of the State of New York.

I was married to Miss Abigail Powers, daughter of the Rev. Lemuel Powers and Abigail Newland, at Monrovia, Cayuga County, on the fifth day of February, 1826; and she died at Washington, March 30, 1853.

I was married again to Mrs. Caroline C. McIntosh, daughter of Charles Carmichael and Tempe W. Blachly, of Morristown, New Jersey, at Albany, February 10, 1858.

## CHAPTER III.

WORDS—EDUCATION AND PROSPECTS OF SOMETHING  
GREAT—THE LAW STUDENT AND HIS MASTER—  
THE LAWYER—ANTIMASONRY—FILLMORE  
BEGINS HIS POLITICAL CAREER—IN  
THE LEGISLATURE.

IT should be borne in mind that in New York and New England the word *town* is used in the peculiar sense of *township*. And this singular custom often leads to great confusion, even among the old residents of these States, where the word also takes its more universal and proper meaning of a collection of houses and people, a large village or city. As in the South and all the West, it is common to say: "I live in town, not in the country." Although all the States are divided into townships ("towns"), out of New England and the neighboring Middle States little use is made of the distinction except in road laws, elections, and some other real or fancied community necessities, and in locating lands when the townships are merely known by numbers and section lines. Any person speaking the English tongue, and unaware of this very unsatisfactory and unreasonable localism, suddenly set down in one of the beautiful valleys of New Hampshire, would be as utterly confounded and puzzled over the use of

the word *town* as an inhabitant of Philadelphia, Cincinnati, or any regularly laid out city, would be on his first attempt to find any particular point among the crooked and narrow streets of Boston. But the careless and blundering usage is not unfrequently a source of confusion to the people who have always heard it.

At Hillsborough, the birthplace of Franklin Pierce, for instance, in Hillsborough County, is Hillsborough town (township), and in that are several Hillsborough villages or towns. In leaving the railroad for this historic spot you stop at "Hillsborough Bridge," a beautiful village in Hillsborough town, and from that you travel two and a half miles by stage to "Hillsborough," Hillsborough proper, at it were. In this latter place I heard two persons disputing about where they were among the Hillsboroughs. "Hillsborough" was but one in a series made up of Hillsborough Bridge, Hillsborough Middle Village, Hillsborough Upper Village or town, and Hillsborough Lower Village, all in Hillsborough town.

At "Kinderhook Station," on a railway in New York, a man, who kept a hotel in a pretty little village not many miles away, was asked to point in the direction of the town of Kinderhook, when he very deliberately said we were then standing in Kinderhook town. The case was then shifted a little to avoid the *town* trick, and the village of Kinderhook, near which Martin Van Buren lived and died, was readily located. "I live in a Kinderhook

village," said this Kinderhook man, "and over where Van Buren lived is Kinderhook proper."

One of Mr. Fillmore's campaign biographers, and, in fact, most of Mr. Fillmore's friends who wrote about him, made a labored effort to show that he was a prodigy in the acquisition of knowledge from books in youth. This is a fiction. Mr. Fillmore was rather a slow, and always a hard working, student. But he had a fine memory, and this was his greatest instrument of success. His early reading, as in the case of most young persons, was of a wandering and unsystematic kind; and especially at that time in the backwoods was necessarily confined to the few books, whatever they were, found in the few families of his acquaintance. When he first set out in the literary world his father's house contained a Bible, a hymn-book, and an almanac. He tells himself that when by chance or "good luck" a copy of Morse's Geography had fallen into his hands he "devoured" it; and when he was nineteen years old, and had taught one short session of school, he had not yet come across an atlas. In like manner, and with equal exaggeration, an attempt was made in the campaign days of Mr. Fillmore to show that, from the time he was ten years old throughout his life, he had great objects and designs; that he read books with a determined purpose; that he dissected and digested their contents with the skill and rapidity of an old philosopher; and that when he began to work at the trade of carding and making cloth, he considered that but the stepping-block to

the life of greatness he had planned beyond. Mr. Fillmore's own sketch of his early life shows how far from the truth all such speculations were. He says that if his father's children had had any aspirations, his circumstances would have prevented their being seriously entertained. His mother's announcement that he was to study law struck him like a "clap of thunder;" and there is no evidence by the manner in which "Judge" Wood and he parted that Wood thought him destined for anything great. It is also quite clear that Mr. Fillmore had never determined upon any course of life until after he began studying law, and then he merely concluded that in spite of Wood and everything else he would be a lawyer. Until this time his whole life had been without method or purpose. This is the history of his condition. He was no prodigy; and to the industrious and correct usage of his fair, solid qualities after he had reached the age of twenty must be traced the simple and common sources of his success.

Mr. Fillmore's first introduction to Blackstone was not encouraging or flattering either to himself or his preceptor. But from his first efforts towards gaining some knowledge of books he displayed a genuine fondness for learning, and when he had once put his foot forward to study law and pursue it as a profession, nothing could turn him from his purpose. Throughout his life Mr. Fillmore was a constant, close, and voluminous reader, and after entering upon his profession, exceedingly methodical and thorough; and his strong and ready memory served to make



him in after-life a "store-house" of knowledge of all kinds. But neither as boy nor man was he a prodigy. Nor indeed has been any one of the Presidents.

"Judge" or "Squire" Walter Wood, with whom Fillmore began to study law, was a man of some traits more striking than admirable, but from him it is quite evident that Mr. Fillmore derived much benefit. Wood was not an educated man himself in a strictly book sense, but he was really a man of much dignity, and besides his faculty for getting and keeping, he was as rare a model of method and scrupulous exactness in his affairs as ever sought a home and fortune in a new and uncultivated country. Although he used what is erroneously termed plain language, that was not always seasoned with grammar, he had such supreme contempt for teaching, and forgetfulness of the necessities of extending a helping hand to a beginner in the law; and such supreme regard had he for his own mysterious legal wisdom, and the self-sufficiency of his student, that he never deigned to give him a solitary word of aid. "Thee will please turn thy attention to that," was his august preface and first and last lesson to his utterly green clerk. He did, indeed, subsequently venture the following sage advice: "If thee has an ambition for distinction, and can sacrifice everything else to success, the law is the road that leads to honors." But Wood was a man of admirable habits and business and public practices, and with all his getting was not without a streak of generosity in his nature, and when the thing he suggested to Fillmore,

to return and study law with him, was the very thing he could not do without help, he readily proffered him a loan of money to be returned when he became an able lawyer. Wood's systematic manner of conducting his affairs and the wonderful precision of all his steps were lessons which were never lost on Fillmore, and which, as will be seen, characterized his own professional career. This singular teacher and his student finally separated on a point of professional dignity with the apparent advantage on the side of the old lawyer. Why Wood was called *judge* does not so clearly appear. If he claimed this title himself or there was any real foundation for it, it must have come from his probable service as a local judge, or grown out of his very judicial turn of mind and conduct. That he saw in Mr. Fillmore the traits that were destined to lead to great honors in the legal profession, may well be doubted. The grounds of his peculiar fitness for that more than any other pursuit were not, indeed, very apparent at the period of his parting with Wood.

To some extent, his father and mother, no doubt, labored under the conviction which was the burthen of Wood's great speech to his student, that the law was the road to honors. And he did possess some excellent qualities for success in that profession, without being especially and eminently adapted to it. Mr. Fillmore had an equable and general balance of traits, without any particular brilliancy in any direction. He had no really brilliant traits. He was not a one-sided nor one-idea man. Without the ability to



shine above other working, determined, good men, he could have succeeded in any pursuit to a reasonable extent. As a manufacturer, trader, farmer, physician, and perhaps a preacher, his well-balanced mind would have given him success, although as a clergyman he would have been less at home than any place else.

After Mr. Fillmore was admitted to practice and located at Aurora in 1823, his professional business was not very extensive for a time, his experience being that of most young men in this laborious profession. But he used his spare time in general and professional reading and otherwise qualifying himself for a pursuit which he had no part in selecting, but in which he believed, with Friend Wood, lay the way to success. His temper was well adapted to a condition of patient waiting and work. Few young men who have entered this difficult and hazardous field have, perhaps, had more qualities fitting them for success in it, than Fillmore. His greatest defect in starting, and throughout his life, was a want of a thorough book education. This he felt very much at times, and did what he could to correct it. Still it is by no means designed to suggest that Mr. Fillmore's way would have been easier and more certain, or even more ornate, if he had spent three or four years of his life in acquiring a knowledge of dead and foreign languages, and in wandering in the misty, false, and useless literature of the past, when Greece and Rome flourished in a sort of golden heathenism of immorality and wickedness. The history of the age in which we live, extending a century or two

backward, embraces the inexhaustible mines where lie, to a great degree yet unexplored, the treasures of all earthly wisdom. What, indeed, is there in the conjugation of a Greek verb or the declension of a Latin noun comparable to real knowledge of the simple but wondrous life of the wheat-plant, the blade of blue-grass, the odor of the tiniest flower; of the bird that cleaves the air in the form of the cycloid, of the air itself; of any of the infinite number of wonderful things in the two analogous worlds of mind and matter? To know these worlds and apply this knowledge well to life is to be educated and wise.

Ah! but there is such an exclusive air about *quidam, quædam, quodam!* It is so charming to be able to know and say, "Levator labii superioris alæque nasi!" The Lord's Prayer even becomes common by the side of *Pater Noster*. But however little can be said for Mr. Fillmore in this way, some Latin and Greek can not be amiss to the accurate and learned lawyer.

As time passed, and his circumstances improved, Mr. Fillmore surrounded himself with books, and his reading became extensive and thorough. Few of the Presidents had a better and larger collection of books than he, and, in 1881, a great part of these still rested on the shelves around the room in which he died, when, by the death of his widow, both his library and old home fell to his only child. One of the absolutely necessary traits of a complete and great lawyer, and which Mr. Fillmore did not

inherit, he had in a large degree. That was business ability, the faculty to comprehend all forms of pursuit, and put himself in the place of his client; in any field to represent his interests with judgment, skill, and safety. This faculty was not possessed, to a great degree, by Thomas Jefferson, James Monroe, John Tyler, Franklin Pierce, Abraham Lincoln, and some of those not lawyers; nor, indeed, by the statesman, Mr. Madison.

Mr. Fillmore was naturally lacking in few, if any, of the traits of a great lawyer, and this fact became gradually apparent in his practice and in his community. In the first case in which he was engaged he was successful, and although business came slowly in the small community where he had chosen to begin, by the time he was twenty-six years of age he had made such advance, and felt so secure in his prospects, as to induce him to marry. His progress was now still more decided, and as his social and professional standing improved, the new and doubtful field of politics began to open before him. He had supported General Jackson in 1824, but in 1826 and the following year a new element entered politics, which carried everything before it, for a time, in Western New York. In this wonderful contest against Freemasonry Mr. Fillmore was floated entirely out of his original political bearing. In a former volume of this work a sufficiently full account is given of the figure cut by Antimasonry in the politics of the country.

Mr. Fillmore early became, like most men who

were not Masons, identified with the opposition to the Masonic Order, growing out of the abduction and murder of Morgan. His was a nature to be readily enlisted in a cause where both law and the common sentiments of society appeared to be so utterly ignored. Fully in the belief that he was aiding the cause of good government and common safety, he opposed an institution which seemed to place its own secret oaths and obligations above the laws of the land and the ordinary provisions for justice and safety in human society.

In the great excitement that prevailed, especially in Western New York, there was no neutral ground or third side, and the very nature of the case appeared to call upon every honest man to join in putting down the dangerous oath-bound order. Thus it was for a number of years that most of the men of respectable attainments found themselves arrayed against Masonry. This question was uppermost in the selection of candidates for legislative and other offices, and it was not long before it became the leading issue in the State politics; and even in the Presidential election of 1828 it figured, to some extent, as a national question. Mr. Fillmore's political career dates from this time. He was taken up as one of the Antimasonic candidates for the lower House of the Legislature, and easily elected, taking his seat for the first time in that body, in January, 1829.

In his "History of Political Parties in New York," Jabez Hammond, in speaking of the Antimasonic members, classes Millard Fillmore as one of the

three or four most prominent. In doing this Mr. Hammond must have been influenced, to some extent, by Fillmore's fine personal appearance and good conduct, as he was one of the youngest men in the Legislature, and his professional reputation was not extensive. The Democracy had a large majority in the Legislature, and some quite able men. In such an assemblage a young and modest lawyer in the minority would certainly have little opportunity to make a display. But Fillmore had no desire to do this. His unassuming course was favorable to him, and his candor, fairness, industry, and good judgment were not long in establishing his weight in the Legislature, and also his standing at home. The result was his re-election in the fall of 1829.

In speaking of Mr. Fillmore's reappearance in the Legislature, Mr. Hammond says:—

“The Antimasonic party had not increased their numbers in the Assembly, but they had greatly added to the talents of that branch of the Legislature. Mr. Granger, Mr. Fillmore, Mr. Nicholas, and Mr. P. C. Fuller were again returned. To these strong and powerful representatives in the Assembly they this year added Thurlow Weed, of Monroe, and Abner Hazeltine, of Chautauqua County.”

At the end of this term Mr. Fillmore was again elected, and during these two years he rose still more into general favor. Soon after the beginning of the session of the winter of 1829 he turned his attention to the repeal of the contemptible, foolish, and unjust law of 1813, providing for imprisonment for debt. In this affair he took the lead, perhaps, although



John C. Spencer, John Van Buren, and others labored to the same end, and Governor Throop strongly favored it. In his last session in the Legislature he had the gratification of seeing the odious statute wiped out, largely by his own labor.

In a memorial sermon preached by the Rev. V. R. Hotchkiss, a Baptist clergyman, in his church in Buffalo, on March 15, 1874, on the "Life and Character of Millard Fillmore," these words are found, as bearing upon this legislative work of Mr. Fillmore:—

"To Mr. Fillmore, more than any other man, I believe, perhaps more than all others, we are indebted for the passage of the act abolishing from the statute-book the odious, oppressive, barbarous law of imprisonment for debt. For this achievement alone his name should be held in grateful remembrance forever. It was a labor of love for the unfortunate poor, and its successful termination was a boon of inestimable value to every honest poor man's home throughout the entire commonwealth, and for all time."

Although this was Mr. Fillmore's most considerable achievement while in the Legislature, his general course, and the exhibition of many really solid, but unshowy, qualities had very materially advanced his political prospects. The following sketch of Mr. Fillmore by a writer in the "Albany Journal," in the spring of 1830, very fairly estimates his standing at that time:—

"Millard Fillmore, of Erie County, is of the middle stature, five feet nine inches in height. He appears to be about thirty-five years of age; but it is said he is no more than thirty, of light complexion, regular features, and of a mild and benign countenance.

“His ancestors were among the hardy sons of the North, and during the Revolution were Whigs, inhabiting the Green Mountains of Vermont. Mr. Fillmore, from the commencement of his political career, has been a Republican. He is, in the strictest sense of the term, a self-made man. He was educated and reared in the western district of our State. At an early period of life he went to the fulling business; but naturally of an inquiring mind, and anxious to increase his limited stock of knowledge, his leisure hours were occupied in reading. When about twenty years of age he retired from his former pursuits, and after having studied the law as a profession he was licensed to practice. He was a member of the last Legislature.

“Although the age of Mr. Fillmore does not exceed thirty years, he has all the prudence, discretion, and judgment of an experienced man. He is modest, retiring, and unassuming. He appears to be perfectly insensible of the rare and happy qualities of the mind for which he is so distinguished. He exhibits, on every occasion when called into action, a mildness and benignity of temper, mingled with firmness of purpose, that is seldom concentrated in the same individual. His intercourse with the bustling world is very limited. His books, and occasionally the rational conversation of intelligent friends, seem to constitute his happiness. He is never to be found in the giddy mazes of fashionable life; and yet there is in his manner an indescribable something which creates a strong impression in his favor, and which seems to characterize him as a well-bred gentleman. He possesses a logical mind; and there is not a member of the House who presents his views on any subject which he attempts to discuss in a more precise and luminous manner. He seldom speaks unless there appears to be an absolute necessity for the arguments or explanations which he offers. Nor does he ever rise without attracting the attention of all who are



within the sound of his voice—a tribute of respect paid to his youthful modesty and great good sense.

“As a legislator, Mr. Fillmore appears to act with perfect fairness and impartiality. He examines every subject distinctly for himself, and decides upon its merits according to the best lights of his own judgment or understanding. He is now at an age when his character is to be irrevocably fixed. As a politician, he is not formed to be great. He has none of the qualities requisite for a political chieftain. He wants that self-confidence and assurance without which a partisan leader can never hope for followers. Mr. Fillmore’s love of books and habits of thinking will ultimately conduct him to a more tranquil but higher destiny, if the one is not broken open and the other diverted from its natural course to the too often polluted and always turbulent, if not mortifying, results of faction. If he has not sufficient courage to resist the allurements which legislation presents to young and ambitious men, then ought his friends to act for him, and refuse him a renomination. It is a life which not only casts to the winds of heaven all employment as a professional man; but it uproots sooner or later the germs of industry and the delights of study. These are the admonitions of age and experience. As a debater in the House his manner is good, his voice agreeable. Toward his opponents he never fails to evince a most studied delicacy. He is mild and persuasive, sometimes animated. His speeches are pithy and sententious; always free from idle and vapid declamation. His arguments are logically arranged, and presented to the House without embarrassment or confusion.”

## CHAPTER IV.

IN CONGRESS—MR. FILLMORE'S COURSE ON SLAVERY—  
THE CONGRESSMAN AND HIS VIEWS.

MR. FILLMORE'S legislative service had also advanced his professional standing and his confidence in his ability to cope with more experienced members of the bar. This had all led to his removal to Buffalo in the summer of 1830, and the formation of his first law partnership, with Joseph Clary. This was an advantageous connection, and from this time forward Mr. Fillmore walked rapidly into a valuable practice, as well as into public favor. Although not returned to the Legislature this year, his political aspirations were developed, and his attention was now directed to a wider field in which to try his abilities.

In the fall of 1832 he was nominated by the Antimasons of his district, and elected to the Lower House of Congress. Into the Antimasonic party, if it should be designated as a party, in Western New York, had been gathered the greater portion of the opponents of General Jackson's Administration. Old Federalists, National Republicans, Anti-Jackson Democrats, all were merged into this short-lived crusade on Freemasonry. The new and substantial party

organization of Whig and Democrat was little heeded here in the furious assault on this old and hitherto respectable, but futile, secret order. Although the facts of the abduction of Morgan were well known in all parts of the Nation, as the distance increased from the seat of the outrage, the opposition became less decided. The Jackson Democracy kept out of the secret order conflict or embraced the Masonic side, and the Masons who did not desert the society went with the Jackson Democrats or belonged to the Democratic party. Mr. Fillmore's race was an easy one with little exertion on his part, and on the 2d of December, 1833, he took his seat in what was called the "panic session of the Twenty-third Congress." In both Houses at this time there was a fine array of talent and character. In the House, besides John Quincy Adams, the only Ex-President who ever appeared in such service, or any public service of consequence, there were Edward Everett; William Slade, of Vermont; Churchill C. Cambreleng, then of New York; Horace Binney, of Pennsylvania; William S. Archer, John Y. Mason, Charles Fenton Mercer, Andrew Stevenson, and Henry A. Wise, of Virginia; George McDuffie, of South Carolina; Richard M. Johnson and Thomas A. Marshall, of Kentucky; James K. Polk, John Bell, Cave Johnson, and David Crockett, of Tennessee; Thomas Corwin and William Allen, of Ohio; Clement C. Clay, of Alabama, and others; and in the Senate were Clay, Webster, Calhoun, Benton, W. C. Preston, William R. King, George Poindexter, Thomas Ewing, Felix

Grundy, W. P. Mangum, John Tyler, William C. Rives, Joseph Kent, John M. Clayton, Theodore Frelinghuysen, S. L. Southard, Silas Wright, and the editor of the "New Hampshire Patriot," Isaac Hill, as well as some other able men.

The Whigs were greatly in the minority in the House at this time, and of course, they took secondary places on committees, even the most experienced of them. Andrew Stevenson, of Virginia, was again elected Speaker, by the large Administration majority; and the House was completely in accord with the will of General Jackson, even sufficiently so on the Bank war, now at its height, for all practical purposes. Although not warmly in accord with most of the Whigs on this stupendous issue, Mr. Fillmore stood fully on that side, and his vote was always with the opposition on the important stakes. On the resolutions to recharter the Bank of the United States, against restoring the deposits to the Bank, and in favor of continuing the State banks as repositories for the public funds, he voted with the Whigs; as did he on the various points at issue during this exciting term. He took little active part in the debates, and while he performed the services imposed upon him he made no attempt to depart from the modest course he had taken in the Legislature.

At the end of this term he again resumed his professional labors with a lucrative and successful business. His increasing good standing and former satisfactory public services induced his party to place him in nomination as one of their candidates

for Congress in the fall of 1836. He was again successful, and at the extra session called by Mr. Van Buren in 1837, took his seat in the first session of the "Twenty-fifth Congress." James K. Polk was elected Speaker of the House over John Bell, the Whig candidate, by a small majority. Mr. Fillmore now took a more prominent part in the discussions before the House. The modest but manly course he had taken in his first term had strengthened his position. Against the bill to postpone the fourth installment of deposits with the States, on the 25th of September, Mr. Fillmore delivered a speech from which the following extracts are taken:—

"But, Mr. Chairman, I am opposed to the bill upon your table. I am opposed to it, first, sir, on the ground that it is hypocritical and false in its language. The title of the bill is an 'act to *postpone*' the payment of this fourth installment. This is a false label, sir, to the door through which we are to enter into the mysteries of this bill. But let us look at the bill itself. It declares that the payment of this installment 'shall be *postponed* until further *provision by law*.' What is this, then, sir, but a *repeal* of so much of the act of 1836 as authorizes the payment of this fourth installment? It does not merely postpone the payment to a definite time, then to be made without any further legislative action, but it postpones it until further 'provision by law;' that is, until by a *new law* Congress shall direct this payment to be made. If this bill pass, nothing short of a new law can ever give this money to the States. Then the effect of this bill is to repeal the law of 1836.

"Why not say so, then? Why profess to postpone when you absolutely revoke? Why not call things by



their right names? Is there some iniquity in the transaction that it is necessary to conceal? Is it intended to excite expectations among the people that are never to be realized? Sir, I disdain such a course. I will never give my vote for a law that, on its face, bears evidence of fraudulent concealment and hypocritical designs.

“I am aware, sir, that an amendment has been offered by the gentleman from South Carolina (Mr. Pickens), that, if adopted, would obviate this objection. But as that amendment is undoubtedly intended to sugar over this nauseous pill, to make it a little more palatable to some who loathe it now, and as I should still be opposed to the bill if the amendment were adopted, for reasons which I shall hereafter give, I am inclined to let those who are prepared to swallow anything take the dose as it is, and vote against the amendment as well as the bill. If this money be not now paid, I have no idea that the States will ever receive it. Let us have it now, according to promise, or tell us at once we have nothing to expect. Do not tantalize us by exciting further hopes that are never to be realized.

“But, sir, I am also opposed to the bill for another reason, and that is that this sudden change of the destiny of near ten millions of dollars is calculated still further to derange the currency and business operations of the country, and add to the accumulated distresses of the community under which they now labor. If there be one truth, above all others, well settled in political economy, it is this: that if you would make a nation prosperous and happy, give them a uniform and unchangeable currency. It is as essential as uniformity and stability in your weights and measures. This currency is the life-blood of the body politic. Its supply should be equal and uniform. Every throb of the heart is felt to the utmost extremities. If the regular flow and pulsation fail, languor and faintness follow; but ‘overaction,’ as the



President calls it, often produces instantaneous paralysis and prostration. The political empirics have administered dose upon dose, and tried experiment after experiment, until the patient is prostrate and hopeless, writhing in agony and imploring for relief. If ever there was a nation or an individual to whom that epitaph was peculiarly appropriate, it is this Nation and this Administration:

‘I was well; I wished to be better;  
I took physic, and here I am.’

“I am also opposed to this bill, sir, for another reason. Its object and intent is to violate the plighted faith of this Nation. I shall not enter into an examination to see whether the offer on the part of the United States, which was acceded to by the State of New York, in the manner that I have already stated, was or was not a pecuniary contract, according to the strict rules of the common law, which might be enforced in a court of justice. This point has been most fully and eloquently discussed by my colleague immediately in front of me (Mr. Sibley). I could add nothing to what he has said on that subject. It is said that the United States have received no consideration for the promise. But, sir, I am disposed to place this question on higher grounds. Does it become this Nation or the American Congress to stand here paltering about the redemption of its plighted faith to one of the daughters of the Union, on the ground that it has received no consideration for the promise which it has made? Has this Nation, indeed, sunk so low that it takes shelter from its engagements, when it finds it inconvenient to perform them, behind the statute of frauds? The reason why a consideration is required to enforce a contract between individuals does not apply in this case. That is a rule adopted by the courts to protect the inconsiderate and the unwary from the consequences of their own folly, in making hasty promises without consideration. But, sir, even as between individuals, if the manner in which the

contract has been made evinces a due degree of deliberation, then the courts will enforce it. If, for instance, the contract be sealed, that is regarded as so solemn an act, and evidences such caution and deliberation that the courts, by the common law, preclude all inquiry into the consideration, and compel the obligor to perform his contract. This case shows the reason of the rule, and I submit that it has no applicability here. Will gentlemen say that Congress was surprised into the promise? that there was not due deliberation had on the subject? or that the congregated wisdom of this Nation requires such a miserable subterfuge as this, to justify to its own conscience the violation of its plighted faith? Sir, was not the contract sufficiently solemn? It is among the sacred archives of your Nation. It is of the same high and solemn character with your treaties with foreign nations. Nay, if possible, sir, it is still higher, and more obligatory upon the Nation. A treaty is only sanctioned by the President and the Senate. This, sir, has been sealed with the National honor, and attested by the National faith of both branches of Congress and the Executive; and you may call it contract, compact, or treaty, it is clearly a *promise* by the Nation, in the most solemn form that a promise can be made."

Mr. Fillmore wanted the distribution or gift to the States to go on. New York had made provision beforehand for her proportion, and the good faith of the Nation was plighted. While showing no great depth of statesman-like ideas on the great monetary question then revolutionizing the country, this speech does not fall below the average ability displayed on one of the most difficult and least understood of all subjects of national legislation. That Mr. Fillmore displayed considerable tenderness as to an exact interpretation of his views on the banking question

may be seen from the following note to the editors of "The Globe:"—

"HOUSE OF REPRESENTATIVES, September 27, 1837.

"GENTLEMEN,—My attention has been this moment drawn to a remark in 'The Globe' of last evening purporting to give the proceedings of the House on Monday evening, in which I find the following statement:

"'Mr. Fillmore resumed and continued his remarks on the subject, with the addition of a lengthy argument in favor of a Bank of the United States.'

"Passing over some evident misapprehensions of your reporter as to the purport of my remarks generally, I wish to say that he is entirely and most singularly mistaken in saying that I made a lengthy argument in favor of the United States Bank. I made no argument in favor of *the* United States Bank, nor of *a* United States Bank; but, on the contrary, expressly disclaimed ever having been the particular friend of the United States Bank, and expressed my sincere doubts whether the incorporation of a new United States Bank at this time would relieve the present embarrassments of the community. Will you do me the justice to correct the mistake?

"Respectfully yours, MILLARD FILLMORE.

"Messrs. BLAIR and RIVES."

In the main on the Bank, as on other important matters, Fillmore stood by the side of Mr. Clay. His advanced position in favor of internal improvements was entirely in harmony with the spirit of the Whig leaders, and very satisfactory to his constituents in Western New York, where he had grown in favor also by his advocacy, in his first Congressional service, of economy in salaries and other expenditures on the part of the General Government.

In a short speech on the General Appropriation Bill before the House in 1834 he had said :—

“That, as the measures of the Government had the effect of raising the value of money, whilst on the opposite side they depreciate the means of subsistence, it was only acting justly to the people, from whom these salaries were derived, to place them on a similar footing in these points with themselves; and he contended that, if three dollars could now purchase those articles which it formerly would have taken four to do, the salaries of their public officers, with the reduction now contemplated by the amendment, would be practically as high as they had been. The objection as to the time of making these reductions did not appear to him to be so essentially important, when the necessity of doing so was so generally conceded. He found there were propositions in the bill granting increased compensation. If it was proper, then, in the estimation of the committee, thus to alter the salaries of officers fixed by law, he could not see the force of any objection to their reducing the amount. He referred to the salaries paid in the State of New York as instances how much more economically the highest offices in that State were filled in comparison with those under the General Government; from which he inferred that, as these offices were all well filled, and the appointments not objected to, but sought for on the score of emolument by the most competent men in the State, one or the other of the rates of paying for public services might be unjust. He referred to the fact that the judges of the Supreme Court of New York received but two thousand dollars a year. He desired to have a reduction now, instead of waiting the result of an inquiry, for another reason. It would become the interest of those whose salaries are reduced, and which they would never do in any other case, to come forward and oppose the effects upon them; and

in this way only could they expect that any inquiry could be promoted with any hope of a good result."

During this term of Mr. Fillmore's Congressional membership the agitation of the slavery question was renewed with great bitterness. Although he took no part in the many heated discussions on the subject of receiving petitions touching that institution, and especially those asking Congress to take steps for its abolition in the District of Columbia, he voted in favor of the right of petition, and held on this and other points affecting slavery the same position as Mr. Adams.

The great struggle at this time ended in the virtual suppression of the right of petition, and the helpless tolerance of slavery at the Capital on the part of Northern men. The propriety and right of discussing slavery in the House were denied, and the whole inflammatory question put at rest. Mr. Benton, in speaking of this result, says:—

"Thus was stifled, and in future prevented in the House, the inflammatory debates on these disturbing petitions. It was the great session of their presentation—being offered by hundreds, and signed by hundreds of thousands of persons, many of them women, who forgot their sex and their duties to mingle in such inflammatory work; some of them clergymen, who forgot their mission of peace to stir up strife among those who should be brethren. Of the pertinacious sixty-three, who backed Mr. Slade throughout, the most notable were Mr. Adams, who had been President of the United States, Mr. Fillmore, who became so, and Mr. Caleb Cushing, who eventually became as ready to abolish all impediments to the



general diffusion of slavery as he then was to abolish slavery itself in the District of Columbia. It was a portentous contest. The motion of Mr. Slade was not for an inquiry into the expediency of abolishing slavery in the District of Columbia (a motion in itself sufficiently inflammatory), but to get the command of the House to bring in a bill for that purpose, which would be a decision of the question. His motion failed. The storm subsided; and very few of the Free State members who had staked themselves on the issue lost anything among their constituents for the devotion which they had shown to the Union."

During Mr. Fillmore's next race for Congress, in 1838, the Abolitionists of his district not being willing to rest their action upon his mere votes against the interests of slavery required a written expression of his sentiments, which brought from him this letter:—

"BUFFALO, October 17, 1838.

"SIR,—Your communication of the 15th instant, as chairman of a committee appointed by 'The Anti-slavery Society of the County of Erie,' has just come to hand. You solicit my answer to the following interrogatories:—

"'1. Do you believe that petitions to Congress on the subject of slavery and the slave-trade ought to be received, read, and respectfully considered by the representatives of the people?

"'2. Are you opposed to the annexation of Texas to this Union under any circumstances, so long as slaves are held therein?

"'3. Are you in favor of Congress exercising all the Constitutional power it possesses to abolish the internal slave-trade between the States?

"'Are you in favor of immediate legislation for the abolition of slavery in the District of Columbia?"



"I am much engaged, and have no time to enter into an argument or to explain at length my reasons for my opinion. I shall, therefore, content myself, for the present, by answering all your interrogatories in the affirmative, and leave for some future occasion a more extended discussion of the subject. I would, however, take this occasion to say that, in thus frankly giving my opinion, I would not desire to have it understood in the nature of a pledge. At the same time that I seek no disguises, but freely give my sentiments on any subject of interest to those for whose suffrages I am a candidate, I am opposed to giving any pledges that shall deprive me hereafter of all discretionary power.

"My own character must be the guarantee for the general correctness of my legislative deportment. On every important subject I am bound to deliberate before I act, and, especially as a legislator, to possess myself of all the information, and listen to every argument that can be adduced by my associates before I give a final vote. If I stand pledged to a particular course of action I cease to be a responsible agent, but I become a mere machine. Should subsequent events show beyond all doubt that the course I had become pledged to pursue was ruinous to my constituents and disgraceful to myself, I have no alternative, no opportunity for repentance, and there is no power to absolve me from my obligation. Hence the impropriety, not to say absurdity, in my view, of giving a pledge.

"I am aware that you have not asked any pledge, and I believe I know your sound judgment and good sense too well to think you desire any such thing. It was, however, to prevent any misrepresentation on the part of others, that I have felt it my duty to say thus much on this subject.

"I am, respectfully, your most obedient servant,

"MILLARD FILLMORE.

"W. MILLS, Esq., Chairman, etc."

This was all that the Abolitionists could desire. At the time of his nomination with General Taylor in 1848, he still held to these opinions, as was well known, and his selection with Taylor was, in part, to conciliate the Free-soil people of the North, who were in doubt as to Taylor's course on this troublesome question. Mr. Fillmore, for the same reason, was unfavorable to General Taylor, and, to the last, before the meeting of the convention at Philadelphia, refused to give his consent to his friends to run on the ticket with Taylor. He also thought Mr. Clay could not be elected, and refused to take the position on the Whig ticket with him if it should be offered to him.

In Mr. Fillmore's letter accepting the nomination of the Vice-Presidential candidacy, there were extreme anti-slavery views, so much so, that when it was submitted to his friends, they urged their suppression, and they completely disappeared from the copy sent to the committee of the nominating convention. This was Mr. Fillmore's first deflection from his former position as to slavery.

A matter in which Mr. Fillmore took a more active interest was one which came nearer home, that of the murder of a number of persons on board the steamer *Caroline*, and the burning of the vessel at Schlosser, on the American side of the Niagara River, by the British royal troops under Colonel Allen McNab, during the "Patriot War," in the winter of 1837. This vessel was owned by a citizen of Buffalo. Mr. Fillmore was fully conversant with all the

facts connected with the outrage, and the course he pursued is of some importance, as showing the view he felt disposed to take in an affair which had in it a cause of war between England and this country, in a common way of speaking, and in which a fair and honorable satisfaction was never rendered the United States.

Early in January, 1838, President Van Buren sent to Congress a message relating to this affair. Mr. Fillmore believed that the Government should make a full investigation with a view to demanding satisfaction of England, while his usual caution did not desert him nor his sense of justice allow him to overstep the bounds of international amity.

He repeatedly brought before the House resolutions asking the President for information concerning the negotiations on the subject with Great Britain; and, in the course of supporting his action, said:—

“As to the expression which he had used in relation to the disturbances of the Niagara frontier, that this country was on the eve of a war with Great Britain, perhaps it was too strong an expression. But certainly all the facts demonstrated that there was imminent danger of such a result. The citizens of the United States, while in the peaceful pursuit of their business, had been attacked by an armed force from a foreign nation, and a portion of the militia of the country is even now ordered out to repel such hostility.

“He well knew that the spirit of the people on the United States side of that frontier would not permit them to stand tamely by and witness such assaults. These were facts, vouched for by respectable citizens as true and authentic; and he must ask if they were not such as to warrant

the offering of such a proposition as he had moved. It makes no difference, he contended, whether one or one hundred miles of the territory of the United States has been invaded by the arms of a foreign nation; the jurisdiction of this country is coextensive with the utmost limits of her territory. Even if the vessel which was attacked had been carrying munitions of war to the revolutionists on Navy Island, she was only liable, he contended, to be attacked while within the British lines. As it was, he agreed with the gentleman from Massachusetts (Mr. Adams), that there was scarcely a parallel to this act upon the pages of our history as a Nation; and it was to suppose an absolute impossibility, for a moment to imagine that the people of that frontier will ever submit to the occurrence of such acts without complaint and redress. It was, therefore, in any view, highly important that the House should obtain all possible information upon a subject so important. . . .

“If this controversy can be amicably and honorably settled between the two governments, I desire that it should. But there is a third and very strong reason in my mind against anything being done to exasperate the public mind on the subject of war with Great Britain. It is this: for three or four years I have used all the exertions in my power to induce this Administration, which is responsible to the country, to provide some means of defense on our Northern frontier. But all my efforts were in vain. And yet the gentleman from South Carolina (Mr. Pickens) now tells us that the course to be pursued to avoid a war with Great Britain is to stand up to her—to threaten her—to take a high stand; and *that*, he says, will avert a war. I may have been mistaken in the meaning. I know that those were not his words. But I would submit to him that the best way to avoid a war with Great Britain, is to show that we are prepared to meet her, if there is to be war; because reasonable preparations for defense are better than gasconading.”

## CHAPTER V.

THE CONGRESSMAN AND HIS RECORD—CIRCUMSTANCES  
ALTER CASES.

MR. FILLMORE was re-elected, and again took his seat in December, 1839. The House was again organized in the interest of the Democratic party, but not without a noteworthy contest, in which Mr. Fillmore took an active part. The division of the House between the two parties was now very close, and five of the six seats from New Jersey were contested, although all of them had certificates signed by the governor. The Whigs contended that the certificates of the governor were enough to give the five members their seats in the organization, which, it was believed, would put that party in the majority. But the Democrats as stubbornly held that the House should organize without these members, and then investigate their right to seats. The five claimants were Whigs, and this altered the case.

The Democrats carried their point in the organization, and also afterwards succeeded in having the five contested seats filled by Democrats. Mr. Fillmore was placed on the Committee on Elections, and more than at any former time displayed his real ability and strength.



One of his campaign biographers and friends wrote of his course in this exciting contest:—

“Mr. Fillmore was assigned a prominent place on that committee, and distinguished himself by the zeal and ability with which he supported the claim of the New Jersey members. But with a majority, both of the House and the committee, against him, it was not to have been expected that he would be successful in controlling a result which was determined on strictly party grounds. The investigation ran on until nearly the middle of March. Mr. Fillmore was prevented from reading a minority report, and, by an appeal from the decision of the Chair, who, in determining a point of order, had assigned him the floor, he was silenced while attempting to make a speech. Mr. Fillmore was justly indignant at treatment so unfair, and finding it impossible to gain a hearing in the House, he addressed a long and very elaborate letter to his constituents, in which he ably, and with great clearness, argued all the questions involved in the New Jersey case. The manner in which he was treated by the majority showed how formidable they considered his opposition. The ability and spirit he evinced in that celebrated controversy had a great influence in gaining for him the confidence of his party, and giving him his important position in the next Congress, when the Whigs came into power. His immediate constituents testified their approbation of his course by bestowing on him at the next election the largest majority ever given in his Congressional District.”

In representing this case and himself to his constituents, Mr. Fillmore said:—

“Let us, like true philosophers, draw wisdom from this calamity, and turn to that revered charter of our liberties and calmly review its provisions, before we conclude its



venerated authors contemplated a proceeding so revolting and dangerous as that which has just been witnessed. The Constitution provides that 'each House shall be the judge of the election returns and qualifications of its own members.' It is clear that this clause of the Constitution created the House a high judicial tribunal to hear and finally determine, first, who was 'elected;' secondly, who was 'returned;' thirdly, whether the person thus elected and returned possessed the requisite 'qualifications.' I conceive that these three subjects of judicial investigation by the House are entirely distinct, and that any attempt to confound them must inevitably lead to confusion and error.

"It is obvious that one man may be duly elected by receiving the greatest number of legal votes; and that, by some accident or fraud, another may be duly returned; and that a man may be duly elected and returned, and yet not be qualified; for the Constitution expressly declares, 'that no person shall be a Representative who shall not have attained the age of twenty-five years, and been seven years a citizen of the United States; and who shall not, when elected, be an inhabitant, of that State in which he shall be chosen.' . . .

"I, therefore, submit it to you, as my immediate constituents, to whom I am responsible for my official act, to say whether I have done right in opposing this disorganizing and unlawful proceeding from the commencement; whether I have done right in insisting that the persons, only, returned should, in the first instance, take their seats; whether I have done right, after these returns and the laws and commissions from the executive of a sovereign State were trampled under foot, to insist on a full inquiry into all the frauds charged, to ascertain who was elected; and, finally, whether I did right, when I saw the most venerated and sacred principle of the Constitution about to be desecrated, and the right of speech tyrannically sup-

pressed, to stand up and resist the despotic assumption of power to the last."

Fillmore's course in Congress had given great satisfaction to his supporters. In the election of 1840 they attested the fact by giving him the highest majority he had yet received. The Democrats were everywhere discomfited and defeated at this time. Not only were the Whig President and Vice-President elected by a vast electoral majority after a most wonderful contest, but both Houses of Congress were captured by the Whigs, and to all appearances a new order of things was about to be organized upon the top of Jackson's revolution. Few men, perhaps, doubt to-day that the establishment of another United States Bank on the plan of the first would have been a calamity and a retrogression in national growth. Not a few men have believed that General Harrison would not have sanctioned such a course in spite of the Whig leaders. However this might have been, the result was not destined to hang upon this uncertainty. Yet it is not designed here to put forth the theory that the removal of General Harrison, and the substitution of one who had always been unfavorable to the old Government banking system, was a part of the "mysterious Providence that shapes all things well." To those who find consolation in such an optimistic solution of human affairs on this globe there has long been apparent a complete compensatory ground for the early death of the generous and trusted Harrison, on the supposition that he would have sanc-

tioned a restoration of the Bank when the country was well over the convulsions occasioned by its overthrow, and on the way to a better state of finance.

Nor is it necessary to stop here to question the fact that the history of the past, where men have been most disappointed and aggrieved, has again and again been greatly relieved by the light of future events. Thus in the flight of time and the growth of mind and life, little and great calamities are softened or disappear. The violent deaths of Abraham Lincoln and General Garfield have not yet been mitigated by ameliorating circumstances and benefits, and especially in the case of the latter the people gave way like idol-worshipping children, and acted as if Heaven had also been worsted, and as if God could not at any time be able to help man to a grain of consolation or compensation for a calamitous event.

Mr. Fillmore again took his place in Congress in the summer of 1841, at the extra session called by President Harrison. The great expectations of the Whigs were not unmixed with anxiety; but the House was organized by the election of Whig officers, and the appointment of Whigs to the leading places in the important committees. The Democrats had fallen to a minority of forty or fifty in the House, and even in the Senate the Whigs had a majority. A Vice-President now for the first time became President. It was a remarkable and exciting period in the country's history. Three memorable sessions of Congress now followed, made especially so by the

conflict with the President, by the utter failure of the great Whig financial scheme, by the things that were promised and planned more than those actually accomplished. The gradual development of affairs since that time does not place the distinguished political leaders in a superior light, nor does it prove that all the patriotism and legislative wisdom of the Nation was the peculiar inheritance of any party. The Sub-Treasury of Mr. Van Buren was utterly derided by the Whigs, and now this frivolous scheme was to give way to the safe old system of the Bank of the United States! But this was an error; and to-day the Sub-Treasury of the "Fox of Kinderhook" may be safely put forth as the wise and safe foundation of the present Independent National Treasury. Internal improvement, once the nightmare of the Democracy, has become the fruitful instrument of all parties. The tariff even has lost its former partisan and sectional character, to a great extent; and many of the issues of former times have lost their importance, or, at all events, have not attached to them the value in which they were once held.

Although Mr. Fillmore's conduct at this time was marked by some extreme partisan coloring, yet it stands to his credit that his views on the Bank, and some other exciting issues of 1841, and points at which he was lukewarm or actually differed from his own party, have long since been in harmony with the popular sentiments of the country. Of course, the principal exception to this was his leading share in the tariff of 1842, an almost obsolete issue now

beginning to be revived in our national legislation. At least by the position now assigned him, that of Chairman of the Committee of Ways and Means, Mr. Fillmore was at the head of his party in the House. At the head of this committee he was distinguished in connection with the contests with the Executive in providing a scheme to supply the treasury, then almost bankrupt, with revenue. President Tyler vetoed the first or "Provisional Tariff" Bill, and the second measure, which still contained the features to which he objected in the first. At last forced to make provision for the purposes of the Government, a bill was enacted which was signed by the President on the last day of the session, August 30, 1842.

This "Tariff of 1842" was, to a great extent, the immediate work of Mr. Fillmore, and the course taken by President Tyler greatly irritated him. In speaking before the House on the veto of the "Provisional Tariff" Bill he said:—

"On what principle was this veto based? The President could not consent that the distribution of the proceeds of the public lands should cease for a single day. Now, although that was the profession, yet it appeared to have been but a pretense. Mr. F. wished to speak with all respect of the Chief Magistrate, but of his message he must speak with plainness. What was the law which that message vetoed? It authorized the collection of duties for a single month as they were levied on the 1st of January last, to allow time for the consideration of a permanent revenue for the country; it postponed the distribution of the proceeds of the public lands till the month should



expire, and Congress could provide the necessary supplies for the exhausted treasury. But what would be the effect of the veto now on the table? Did it prevent the distribution? By no means; it reduced the duties, in effect, to twenty per cent, and authorized the distribution of the land fund among the States; and that distribution would, in fact, take place the day after to-morrow. That would be the practical operation of this paper. When Congress had postponed the distribution for a month, did it not appear like pretense in the Chief Magistrate to say that he was forced to veto the bill from Congress to prevent the distribution which his veto, and that alone, would cause to take place? Congress had been willing to prevent the distribution; but the President, by one and the same blow, cut down the revenue at a moment when his Secretary could scarce obtain a loan on any terms, and in addition to this distributed the income from the public domain! In two days the distribution must take place. Mr. F. said he was not at all surprised at the joy with which the veto had been hailed on the other side of the House, or at the joyful countenances which were arrayed there; probably this act was but the consummation of a treaty which had been long understood as in process of negotiation. If this was the ratification of such treaty, Mr. F. gave gentlemen much joy on the happy event. He should shed no tears that the Administration had passed into its appropriate place. This, however, was a matter which he should not discuss now; he should desire the message might be laid on the table till to-morrow and be printed. Mr. F. said he was free to confess that we were now in a crisis which would shake the Union to its center. Time would determine who would yield and who was right; whether the President would or would not allow the representatives of the people to provide a revenue in the way they might think best for the country, provided they were guilty of no violation of the Constitution.



The President had now told them, in substance, that he had taken the power into his own hands; and although the highest financial officer of the Government declared it as his opinion that it was doubtful whether the duties could be collected which Congress had provided by law, the President told the House that any further law was unnecessary; that he had power enough in his own hands, and he should use it; that he had authorized the revenue officers to do all that was necessary. This, then, would be in fact the question before the country: Whether Congress should legislate for the people of this country or the Executive?"

In the provision of the tariff measure of 1842 there was manifested an unusual amount of that uneasiness as to foreign influences in the affairs of this country which took form in the "American" campaign of 1856. It was an extension of Mr. Clay's "American System," especially strengthened by the growing tendency to suspect the policy of submitting home legislation to men of foreign predilections or extraction. But Mr. Fillmore's advocacy of the tariff measures offered at this time was mainly confined to supplying a necessary demand of the country in the way believed to be the best possible, and even as to the very plan he recommended he entertained no great warmth. In the course of his remarks in support of the measure he said:—

"Although this is the view which I am disposed to take of this bill, and although I am willing to listen to any amendments to add to or diminish the duty on any article, with a view of increasing the revenue, yet I have no disguise of my own sentiments on the subject of protecting our own industry. I am free to admit that I am

not one of those who either feel or profess to feel indifferent to our own interests. I prefer my own country to all others, and my opinion is that we must take care of ourselves; and while I would not embarrass trade between this and any foreign country by any illiberal restrictions, yet, if by legislation or negotiation, an advantage is to be given to one over the other, I prefer my own country to all the world besides. I admit that duties may be so levied, ostensibly for revenue, yet designedly for protection, as to amount to prohibition, and consequently to the total loss of revenue. I am for no such protection as that. I have no disguise of my opinions on this subject. I believe that if all the restrictive systems were done away with, here and in every other country, and we could confidently rely on continued peace, that would be the most prosperous and happy state. The people of every country would then produce that which their habits, skill, climate, soil, or situation enabled them to produce to the greatest advantage; each would then sell where he could obtain the most, and buy where he could purchase the cheapest; and thus we should see a trade as free among the nations of the world as we now witness among the several States of this Union. But, however beautiful this may be in theory, I look for no such political millennium as this. Wars will occur until man changes his nature; and duties will be imposed upon our products in other countries, until man shall cease to be selfish, or kings can find a more convenient mode of raising revenue than by imposts."

The following contemporary description of Mr. Fillmore will be of interest at this time, in exhibiting his general standing in political affairs:—

"MILLARD FILLMORE, OF NEW YORK.

"This is the distinguished Representative from the city of Buffalo, and at present Chairman of the Committee of Ways and Means, a situation both arduous and responsible.

He stands in the same relation to the United States Government in the House of Representatives that the Chancellor of the Exchequer does to the Government of Great Britain in the House of Parliament. He is emphatically the financial organ of the Legislature. In the House of Representatives all bills affecting the revenue originate. These are presented by the Ways and Means Committee, matured by it, and its chairman has to explain their object and the data upon which they are based. He is obliged to make himself thoroughly acquainted with the situation of the National Treasury, has to examine its details, become familiar with its wants, its expenditure, its income, present and prospective, and be ever ready to give to the House a full exposition of all the measures he may present for consideration. To discharge the duties which this post enjoins, faithfully, requires both physical and mental capacity of a high order, and I believe they could not have devolved upon an individual better qualified than the subject of this notice. In every respect will he be found equal to the task assigned him.

“Mr. Fillmore in person is perhaps five feet ten inches tall, stout and finely formed. His limbs are graceful; he has an erect and easy walk, and a well-developed chest. His complexion is quite light; has lively blue eyes, a smooth forehead marked by breadth rather than height, that retreats slightly into a head of thin grayish hair. His face is broad and regular in its outlines; has a small nose, and handsome Grecian mouth, and white teeth. His features, without being very strongly marked, are decidedly expressive and agreeable, and in or out of Congress there are few better looking men. His appearance would attract attention anywhere, as his abilities qualify him for any station. In his temperament he is phlegmatic; is always self-composed, and all his acts are controlled by the dictates of his judgment. He weighs everything in the most prudent manner, enters into a nice calculation, and is never

misled by the promptings of his heart. He is the incarnation of truth and integrity. Never would he 'hold the word of promise to the ear, and break it to the sense.' He would never raise hopes and then blast them. He is frank, open, and manly. In public life and in private he is without guile; pure and untarnished. Indeed I question whether he was ever tempted to go astray. He seems not to have inherited the frailties generally found among the descendants of Adam, and hence he may possibly have too little charity for, and judges too severely of, those less coolly constituted than himself. His talents are of a high grade; is a sound thinker, and very sagacious; not showy or brilliant, but plain and sensible; and never attempts to make a display or to 'show off.' His judgment is very clear, and he has no emotions which ever override it; is always to be relied upon, and whatever he undertakes he will master. He never takes a stride without testing his foothold. He belongs to that rare class whose merits are developed with every day's use; in whose minds new beauties and new riches are discovered as they are examined into. He has a high legal reputation; possesses great industry; is agreeable in conversation, and his information upon general subjects, without being profound, is varied and extensive. As a shrewd, sagacious politician—by this I do not mean that he is particularly skilled in mere partisan strategy—there are few men in the country superior to him, perhaps none.

"As a public speaker, Mr. Fillmore is not distinguished. He is no orator, but a plain, matter-of-fact debater. He never soars into the regions of fancy, indulges in rhetorical flourishes, or adorns his logic with poetry. The gaudy plumes of fiction he leaves other hands to pluck, while he is garnering up the stores of reality; nevertheless he is a good and interesting speaker; very intellectual, sound, and perspicuous, with a distinct voice and a dignified easy manner. He speaks not to the passions of men, or attempts

to move their hearts. He aims at their reason and judgment, and his arguments are couched in language intelligible to the meanest capacity; avoids high-sounding phrases; an evidence of good taste and good sense none the less commendable for its rarity among public speakers of the present day, who generally, when they give birth to a new idea—an occurrence that seldom happens—send it forth in a garb so unsuitable and fantastic as to hide it from the view of ordinary visions.”

In this last term of Mr. Fillmore's service, ending March 3, 1843, his position as chairman of the Committee of Ways and Means gave him a fine occasion for showing his qualities, and with no apparent design he used his opportunity. His even temper, good judgment, and general fairness did not, in the main, desert him; and the result was that no other member of Congress at that exciting time, perhaps, made a better record or retired with a better reputation than did Mr. Fillmore; yet few of the disappointed Whigs were more outspoken and bitter in their denunciations of President Tyler than was he. Both his fairness and good sense, as well as his politic trait, left him when he came to speak of the President.

The following letter to his constituents will, no doubt, be read with interest at this time, and at all events will, to some extent, serve to portray his character, and at the same moment show how a calm, apparently unambitious man like Mr. Fillmore will sometimes forget his past convictions under a favorable change of circumstances. The single term that he would have applied to the Vice-Presidency for



the benefit of Mr. Tyler, he saw no reason in after days to attach to his own course, when no Constitutional impediment had been provided :—

“WASHINGTON, July 18, 1842.

“FELLOW-CITIZENS,—Having long since determined not to be a candidate for re-election, I have felt that my duty to you required that I should give you seasonable notice of that determination. The chief causes that have brought me to this resolution, being mostly of a personal character, are unimportant, and would be uninteresting to you or to the public; it is sufficient to say that I am not prompted to this course by any thing in the present aspect of political affairs. Many of you know that I desired to withdraw before the last Congressional election; but owing to the importance of that contest, the desire for unanimity, and the hope that if the Administration were changed, I might render some essential local service to my district and those generous friends who had so nobly sustained our cause, I was induced to stand another canvass. But how sadly have all been disappointed! how has that sun that rose in such joyous brightness to millions been shrouded in gloom and sorrow! The lamented Harrison, around whom clustered a Nation's prayers and blessings, is now no more. For reasons inscrutable to us, and known only to an all-wise Providence, he was cut down in a moment of triumph, and in his grave lie buried the long-cherished hopes of a suffering Nation.

“The veneration which every true patriot must feel for the high office that has been filled by a Washington and Madison forbids that I should speak harshly of the present incumbent. Yet it is deeply to be deplored that Mr. Tyler seems to labor under a mental hallucination—as confounded in fact as it is mischievous in its consequences—that the great majority of the Whigs in Congress are seeking to circumvent him. It may be difficult to trace the origin of this mental malady without a previous knowledge of the constitution of the patient. But, I doubt not, if its source could be ascertained, it would be found in that curse of all governments, the artful and unprincipled courtier, who insidiously worms his



way into the affection and confidence of patronage and power, for no other purpose but to wield it to subserve his own selfish ambition or gratify his personal and vindictive feelings. I do not believe that the acts of the present Chief Magistrate, which have overwhelmed his former friends with shame and sorrow, and filled them with indignation, have resulted from the unaided promptings of his own heart, or received the approbation of his responsible advisers; but, in my opinion, if you could see the fawning parasites that hang around him to flatter his vanity, and the 'honest Iagos' that distill the malicious poison of jealousy into his unsuspecting ear, for their own base purposes, all would be explained. The world would then see that a breach has been made between the President and his former friends, and that the country has been brought to the brink of ruin to minister to the malignant spleen of some disappointed aspirant to political fame or to gratify the unholy ambition of a few who have nothing to hope but in a state of anarchy and confusion. These creatures have practiced upon the unsuspecting victim until he sees in every friend a foe, and in every necessary act of legislation an attempt to 'head him.' He has been thus driven on from folly to madness, from secret jealousy to open betrayal, and at last, in a fit of insane hostility to his former friends, who elevated him to power, and in the desperate but vain hope of securing a re-election, he has been induced to throw himself into the treacherous arms of his former enemies. What may be the result of this new coalition time alone can determine. I fear it had its origin in weakness, wickedness, and perfidy, and that its consummation will produce the bitter fruits of disappointment to those who now glory in their shame.

"Thus you see the origin, progress, and consummation of all our difficulties. We have struggled hard, under every discouragement, to carry out the true Whig principles of 1840, and give relief to the country. Our progress has been opposed and our efforts thwarted at every step by the peculiar friends of the Executive on the floor of Congress. The press under his control has poured out its malicious libels upon our devoted heads until every patriot is sick at heart; and when all these have been braved and overcome, then the veto at a single blow

strikes to the ground our labors and the revenues and credit of the Nation. But I am unwilling to dwell upon a subject so painful and humiliating. I speak of it now more in sorrow than in anger; and can not but regard it as an awful warning to select no man, even for a contingent station of such vast power and responsibility, whose talents and integrity are not equal to it; and I regard it as an additional proof that our only security against treachery and inordinate ambition is found in *the one-term principle*, that takes away all inducement in the Executive to use his power to secure a re-election. Still I would not despair, but hope for the best. Our Constitution contemplated the possibility of such an infliction, and therefore has wisely provided against its duration by limiting the Presidential term to four years. It is true that much evil may be done in that time, but there is consolation in the thought that we can say to the desolating flood of tyrannical usurpation and folly that sweeps over the land, 'Thus far shalt thou go, and no farther.'

"My time will not permit me to touch upon the general subjects of legislation or policy, or even to hint at the threatening aspect of political events. A devoted and patriotic majority in Congress has struggled hard against every embarrassment for more than seven months. A tariff bill has just passed the House that would at once restore credit to the Government and bring relief to the community; but the prospect now is, that all our anxious toils are to end in naught, unless we submit to the will of a single dictator, and consent to record his edicts. Whatever sacrifice a suffering country may demand, patriotism requires us to make; everything may be yielded but principles to an honest difference of opinion, but nothing to a tyrannical exaction; and I trust we shall not be driven to the dangerous extremity of yielding all power to the caprice of one man, or of bringing utter bankruptcy and ruin upon our common country. It is a dreadful alternative, but, if presented, I also trust that the Constitution may be maintained at every hazard, regardless of all consequences.

"But, fellow-citizens, I have said more than I intended, and regret that I have not time to say it more briefly. I can not, however, consent to bring this hasty letter to a close

without expressing the deep emotions of gratitude that fill my heart when I look back upon your kindness and devotion. Pardon the personal vanity, though it be a weakness, that induces me to recur for a moment to the cherished recollections of your early friendship and abiding confidence. I can not give vent to the feelings of my heart without it.

“It is now nearly fourteen years since you did me the unsolicited honor to nominate me to represent you in the State Legislature. Seven times have I received renewed evidence of your confidence by as many elections, with constantly increasing majorities; and, at the expiration of my present Congressional term I shall have served you three years in the State and eight years in the State councils. I can not call to mind the thousand acts of generous devotion, from so many friends, who will ever be dear to my heart, without feeling the deepest emotions of gratitude. I came among you a poor and friendless boy. You kindly took me by the hand and gave me your confidence and support. You have conferred upon me distinction and honor, for which I could make no adequate return, but by an honest and untiring effort faithfully to discharge the high trusts which you confided to my keeping. If my humble efforts have met your approbation, I freely admit that next to the approval of my own conscience it is the highest reward which I could receive for days of unceasing toil and nights of sleepless anxiety.

“I profess not to be above or below the common frailties of our nature. I will, therefore, not disguise the fact that I was highly gratified at my first election to Congress, yet I can truly say that my utmost ambition has been satisfied. I aspire to nothing more, and shall retire from the exciting scenes of political strife to the quiet enjoyments of my own family and fireside with still more satisfaction than I felt when I was first elevated to this distinguished station.

“In conclusion, permit me again to return you my warmest thanks for your kindness, which is deeply engraven upon my heart.

“I remain, sincerely and truly, your friend and fellow-citizen.

MILLARD FILLMORE.”

## CHAPTER VI.

THE LAWYER AND MODEL "BUSINESS MAN"—DEFEATED  
FOR GOVERNOR—FILLMORE AS COMPTROLLER OF  
NEW YORK—NOMINATED FOR THE VICE-  
PRESIDENCY.

MR. FILLMORE now resumed his profession with increased advantages. His Congressional services had given him a national position, and strengthened him at home. From this time until January 1, 1848, he gave his attention and energy mainly to his legal business; and at this period acquired his greatest distinction as a lawyer. His career in Congress had not been especially brilliant, but it had been consistent and honorable, and his reliable qualities had greatly recommended him both to his party and the people at large.

In the summer of 1843 John Quincy Adams visited Buffalo. A reception was given him, and Mr. Fillmore was appointed to deliver the address of welcome. In Congress he had stood with Mr. Adams, and had made a lasting and favorable impression upon the old man; and was, in some degree, one of his favorites as an honorable and safe politician and lawyer. A scene now occurred between them which for its bringing out this fact is worth recording here. It is well known that while

Mr. Adams was an admirer of the good, and perhaps some of the bad, qualities of many public men, he was a man of few personal attachments. Mr. Fillmore received Mr. Adams in this language:—

“SIR,—I have been deputed by the citizens of this place to tender you a welcome to our city. In the discharge of this grateful duty, I feel that I speak not only my own sentiments, but theirs, when I tell you that your long and arduous public services—your lofty independence, your punctilious attention to business, and, more than all, your unsullied and unsuspected integrity—have given you a character in the estimation of this Republic which calls forth the deepest feelings of veneration and respect.

“You see around you, sir, no political partisans seeking to promote some sinister purpose; but you see here assembled the people of our infant city, without distinction of party, sex, age, or condition, all—all anxiously vying with each other to show their respect and esteem for your public services and private worth.

“Here, sir, are gathered, in this vast multitude of what must appear to you strange faces, thousands whose hearts have vibrated to the chord of sympathy which your written speeches have touched. Here is reflecting age and ardent youth and lisping childhood, to all of whom your venerated name is as familiar as household words, all anxious to feast their eyes by a sight of that extraordinary and venerable man of whom they have heard and read and thought so much—all anxious to hear the voice of that ‘Old Man Eloquent,’ on whose lips wisdom has distilled her choicest nectar. Here, sir, you see them all, and read in their eager and joy-gladdened countenances and brightly beaming eyes a welcome—a thrice-told, heart-felt, and soul-stirring welcome to ‘the man whom they delight to honor.’”



In his speech Mr. Adams took occasion to make the following references to his "intimate friend:"—

"MR. FILLMORE, MR. MAYOR, AND FELLOW-CITIZENS,—I must ask your indulgence for a moment's pause to take breath. If you ask me why I ask this indulgence, it is because I am so overpowered by the eloquence of my friend, the Chairman of the Committee of Ways and Means, whom I have so long been accustomed to refer to in that capacity, that, with your permission, I will continue so to denominate him now, that I have no words left to answer him. For so liberal has he been in bestowing that eloquence upon me, which he himself possesses in so eminent a degree, that, while he was ascribing to me talents so far above my own consciousness in that regard, I was all the time imploring the god of eloquence to give me, at least at this moment, a few words to justify him before you in making that splendid panegyric which he has been pleased to bestow upon me; and that the flattering picture which he has presented to you may not immediately be defaced before your eyes by what you should hear from me. . . .

"I congratulate you again upon your possession of another dear and intimate friend of mine in the person of the gentleman who has just addressed me in your name, and whom I have taken the liberty of addressing as Chairman of the Committee of Ways and Means—the capacity in which he has rendered so recently services of the highest importance to you, his constituents, by whose favor he was enabled to render them, to us, and our common country. And I can not forbear to express here my regret at his retirement in the present emergency from the councils of the Nation. There, or elsewhere, I hope and trust he will soon return; for whether to the Nation or to the State, no service can be, or ever will be, rendered by a more able or a more faithful public servant."

The Whigs of New York now began to talk of Mr. Fillmore for the Vice-Presidency, and every effort was made to turn the current of the party throughout the country in his favor. Horace Greeley, in the fall of 1843, announced Mr. Fillmore as his choice; and in the convention at Baltimore, in the following May, advocated and voted for him. This matter being disposed of, the New York Whigs at once began to favor Mr. Fillmore as their candidate for Governor; and long before the meeting of the nominating convention it was quite apparent that he would be the choice, if not the only man before the convention. But Mr. Fillmore really had some doubts as to his running for the office, and perhaps did not desire to do so, or to leave his profession at this time. At all events, the evident tendency of affairs brought from him the following letter, published in "The Albany Evening Journal:"—

"NEW YORK, May 16, 1844.

"THURLOW WEED, ESQ.:—

"MY DEAR SIR,—Being here in attendance upon the Supreme Court, my attention has been called to an article in your paper of the 8th instant, and to some extracts from other journals in yours since that time, in which my name is mentioned as a candidate for nomination to the gubernatorial office in this State. You do me the justice to say that 'I have never desired the office of Governor, though I admit the right of the people to the services of a public man in any station they may think proper to assign him.' My maxim has always been that individuals have no claim upon the public for official favors, but that the public has a right to the service of any and all of its citizens. This right of the public, however, must in some measure be qualified by the fitness and ability of the person whose services may be demanded for the station designed,

and the propriety of his accepting the trust can only be properly determined when all his relations, social and political, are taken into the account. Of the former, I am ready to concede that the public must be the proper and only judge. In regard to the latter, the individual himself has a right to be consulted. These notices of the public press are from such sources, and so flattering, as to leave no doubt either of the sincerity or friendship of the authors. And the office itself, in my estimation, is second in point of dignity, honor, and responsibility only to that of President of the United States. When we reflect that it has been held by a Jay, a Tompkins, and a Clinton, who in the discharge of its various and responsible duties acquired a fame that has connected them with the history of our country, and rendered their names immortal, all must agree that its honors are sufficient to satisfy the most lofty ambition. For myself I can truly say that they are more than I ever aspired to.

“Believing, as I now do, that whoever shall receive the nomination of the Whig convention for that distinguished station, will be elected, it is not from any apprehension of defeat that I am disposed to decline its honors. But for reasons partly of a public and partly of a private character, I have invariably expressed an unwillingness to become a candidate for that nomination. This has been long known to most of my intimate friends, and to few better than to yourself. But a sense of delicacy, which all must appreciate, rendered me reluctant to make a more public declaration of my wishes on this subject at this time. It also occurred to me that some individuals, acting under a mistaken sense of my real motives, might be led to reproach me for being influenced in my course in this matter by the results of the Baltimore Convention. But when I saw from the public journals that many of my friends were committing themselves on this subject, and reflecting that no man from any apprehension of subjecting himself to unmerited censure had a right to shrink from the performance of any duty, I felt that the candor and frankness due to my political friends would not suffer me longer to permit them to remain in doubt as to my wishes on this subject.

“Permit me, then, to say that I do not desire to be consid-

ered as a candidate for that office. So far as my reasons for this determination are founded upon private considerations, it would be alike indelicate and obtrusive to present them to the public. But if these could be removed or overcome, there are others of a more public character that should, it appears to me, be equally conclusive.

“In the first place, I greatly mistrust my own ability to discharge the varied and complicated duties of that high station in a manner either creditable to myself or satisfactory to the public. For the last twelve years my attention has been mostly withdrawn from questions affecting State policy, and directed to national affairs. My chief experience in public matters has been in the national councils, and to my labors there I am mainly indebted for whatever reputation I may enjoy as a public man. It appears to me that the present peculiarly trying emergencies in the great interests of the State require a man for the Executive Chair of eminent ability, long-tried experience, and a greater share of public confidence than I can hope to possess. I can not but feel that many who have been mentioned are more deserving of that honor, and better able to discharge those high trusts, than myself. I recognize in each an ‘elder and a better soldier.’

“But secondly, it is known to all that I have recently been a candidate for nomination to the Vice-Presidency. I had previously considered my political career as ended for the present, if not closed forever. Never at all sanguine of success, I yielded a reluctant assent to the presentation of my name for that office. Grateful as I am, and ever shall be, for the generous devotion of my friends, I felt no disappointment in the result, and unite most cordially with my Whig brethren in sustaining the excellent nominations of that convention. But a candidate is now to be selected from the Whig party of this State for the gubernatorial office. Such person must be taken from among my political associates, and I feel that I owe too much to them to suffer my name to come in competition with theirs for this distinguished honor. To permit it would wear the semblance of ingratitude, or an overweening ambition for political preferment. I know that I feel neither, and I can perceive no reason why I should subject myself to the imputation. This alone, if



there were no other reasons, would be, to my mind, an insuperable objection.

“But, nevertheless, while I thus decline to be considered a candidate for nomination, it is due to myself to express the grateful emotions of my heart to those friends who have so kindly intimated a preference for me for that office. It implies a confidence on their part which it has been the height of my ambition to acquire; and I shall cherish the recollection of it through life. Believe me, also, when I say that I am not insensible to the deep obligations which I am under to the people of this, my native State; and more especially to those in the western part of it, who have sustained me with such generous devotion and unwavering fidelity through many years of arduous public service. They could not call upon me for any sacrifice, merely personal to myself, that I should not feel bound to make. I owe them a debt of gratitude which I never expect to be able to discharge. But the Whig party of this State now presents an array of talent and of well-tried political and moral integrity not excelled by that of any other State in the Union. From this distinguished host it can not be difficult to select a suitable candidate for the office of Governor—one who is capable, faithful, true to the cause and the country, and who will call out the enthusiastic support of the whole Whig party. To such a candidate I pledge in advance my most hearty and zealous support. Let us add his name to those of Clay and Frelinghuysen, and our success is certain.

“But while I thus withdraw from competition for the honors, be assured that I do not shrink from the labors or responsibilities of this great contest. We have a work to perform in this State which calls for the united effort and untiring exertion of every true Whig. Here the great battle is to be fought. For myself, I am enlisted for the war. Wherever I can be of most service, there I am willing to go; I seek no distinction but such as may be acquired by a faithful laborer in a good cause. I ask no reward but such as results to all from a good government well administered; and I desire no higher gratification than to witness the well-merited honors with which victory will crown my numerous Whig friends.

“I am truly yours,

MILLARD FILLMORE.”



But this superficially modest letter had no other effect than to increase the determination the Whigs had already taken to nominate him as their strongest and most available man. On the 11th of September, 1844, the Whigs met in convention. Francis Granger was chosen chairman, and the organization was barely completed when an Onondaga County delegate moved that Millard Fillmore be declared the nominee for Governor. The motion was carried unanimously, and the nomination completed amidst enthusiastic cheers. In the resolutions adopted by this convention it was said of Mr. Fillmore:—

*“Resolved,* That we announce to the people of this great commonwealth, with peculiar and triumphant satisfaction, the name of our candidate for the Chief Magistracy of the State, a nomination which we were called together not to suggest, but to declare, as the previously expressed will of the people—a nomination which we have therefore made unanimously, without a moment’s delay, and without a thought of dissent; and that we rejoice in the opportunity thus to show a grateful people’s high appreciation of the modest worth, the manly public virtue, the spotless integrity, and unchangeable fidelity of that eminent champion of Whig principles, the dauntless vindicator of the outraged popular suffrage in the case of the insulted ‘broad seal’ of New Jersey in 1840, the valiant and victorious leader of the patriotic Whigs of the immortal Twenty-Seventh Congress in their long and trying warfare against corruption and despotism, the laborious author and eloquent defender of the Whig tariff—Millard Fillmore.

*“Resolved,* That in him, known to the people by long and faithful service in the Legislature of the State and Nation, we rejoice to present a true and worthy representative of Democratic-Republican principles; born in

the forest of the noble western region of our own State; trained among an industrious kindred to hardy toil and manual labor on the farm and in the manufactory; democratic in all his associations and sympathies; called early into honorable public service, and promoted to an unsought distinction by an intelligent constituency, who learned his capacity by experience; free from the degrading and contaminating association of partisan managers and 'spoilers'—one who never sought to rob the people of the right to choose their own rulers, but ever distinguished himself in contending for popular rights and Constitutional liberty, and in securing to the American laborer his labor's just and high reward."

But Whig talk and Whig enthusiasm were not enough. Silas Wright and "Texas and 54° 40'" were too much for the Whigs. Mr. Wright's majority for Governor over Fillmore was nearly twice as large as Polk's over Clay.

This great contest ended in the defeat of the Whigs in New York and in the Nation. It was an unexpected result. It was Mr. Clay's last opportunity. Three times he had made the race for the Presidency, and no one deplored this last failure more deeply than he did himself. His defeat in the convention in 1840 had mortified and enraged him. Then he could have been elected. That he knew. Any able and popular Whig could have been successful at that time. But the Administration of Mr. Tyler had added nothing, at least, to the Whig party, and the conflict between the President and the party leaders had somewhat broken its organization, and to some extent weakened the public

confidence. All this time the Democrats had been gathering strength. Before the first session of Congress under Mr. Tyler had ended they saw how matters were going, and claimed the next election. President Tyler's influence finally went entirely in their favor, notwithstanding his former attachment to Mr. Clay. But this was reasonable and natural enough. Although the Democratic leader had a large electoral majority in 1844, his excess in votes at the polls was not great; and the small majorities given him in some of the States are interesting features in the history of escapes and successes, if not of partisan manipulation. The history of this exciting Presidential campaign has, perhaps, been fully enough put forward in another part of this work. The men of the South were playing for an important stake. Those of the North were divided and undecided on the same question. The vital point in this race was undoubtedly the acquisition or annexation of Texas. On this leading question Mr. Clay injured himself by injudicious letter-writing. He felt that the South was not fully satisfied with his relation to the Abolitionists, and his view as to the immediate acquisition of Texas. The result was a Southern letter which did him no good in that section, and injured him at the North. Mr. Polk also tried his hand at an extra letter, which was less sincere, and far more cunning, and on a much less important subject at the time; and that letter perhaps gained him Pennsylvania.

The Whigs found in this race a new element of

defeat which is now to be brought forward for the first time in this work, and which had not appeared since the early or formative period of the Government, although it had cut a figure of some importance in local elections, and been a subject of serious consideration among leading politicians, especially of the Whig or Federal school. This was the influence, one-sided influence, of the foreign-born citizens.

The following letter from Mr. Fillmore to Henry Clay will show the importance he now began to attach to this point:—

“BUFFALO, November 11, 1844.

“MY DEAR SIR,—I have thought for three or four days that I would write to you, but really I am unmanned. I have no courage or resolution. All is gone. The last hope, which hung first upon the City of New York and then upon Virginia, is finally dissipated, and I see nothing but despair depicted on every countenance.

“For myself I have no regrets. I was nominated much against my will; and though not insensible to the pride of success, yet I feel a kind of relief at being defeated. But not so for you or for the Nation. Every consideration of justice, every feeling of gratitude, conspired in the minds of honest men to insure your election; and though always doubtful of my own success, I could never doubt yours till the painful conviction was forced upon me.

“The Abolitionists and foreign Catholics have defeated us in this State. I will not trust myself to speak of the vile hypocrisy of the leading Abolitionists now. Doubtless many acted honestly, but ignorantly, in what they did. But it is clear that Birney and his associates sold themselves to Locofocoism, and they will doubtless receive their reward.

“Our opponents, by pointing to the native Americans and to Mr. Frelinghuysen, drove the foreign Catholics from us, and defeated us in this State.

“But it is vain to look at the causes by which this infamous result has been produced. It is enough to say that all is gone; and I must confess that nothing has happened to shake my confidence in our ability to sustain a free Government so much as this. If with such issues and such candidates as the national contest presented we can be beaten, what may we not expect? A cloud of gloom hangs over the future. May God save the country; for it is evident the people will not.”

The full discussion of this important matter will be found in another part of this volume. Mr. Fillmore now continued his law pursuits uninterruptedly until the end of the year 1847. In the fall of this year his party friends had induced him to accept the candidacy for Comptroller of the State, the first office in importance next to that of Governor, and really requiring more financial, executive, and general business skill. This time the Whigs were successful, and on the first day of January, 1848, Mr. Fillmore entered upon the duties of his office, never again to resume the practice of his profession. His success in his chosen pursuit had been as marked as that of his political career.

He had preferred his profession and its quiet and even pursuit to the excitement of politics, and when he had stepped aside to fill a public party trust it was not from any especial desire, and, certainly, from no intriguing on his part. His character and strength had unquestionably pointed his



party to him, and every service he rendered recommended him for further favors. In his law practice he had been exceedingly fortunate, although at the outset he had "told stories," smoked his pipe, and gossiped away much of his time in the little village of Aurora while waiting for "clients." In the last five years his business had extended to remote parts of the State, with a large practice in the Supreme Court. For years his practice had been lucrative, and at the time of entering upon his office of comptroller he had accumulated a considerable fortune, enough to make him comfortable for the remainder of his life.

In off-hand speaking Mr. Fillmore was never very ready ; and in this particular he exhibited his greatest defect, or only defect, as a lawyer and politician. His first effort at speech-making was while a very raw student under "Judge" Wood. During his first race for the Legislature in the fall of 1828 he made few speeches. And in his succeeding races for re-election he cut no considerable figure in speech-making. Throughout his life his speeches were mainly the result of study and preparation. His standing as a lawyer in Western New York was, perhaps, more than merely first class, but it was all the result of hard labor and the faithful performance of his trusts and obligations. In the Legislature he first acquired a State reputation for his efforts to take from the statutes the stupid law of imprisonment for debt, and to him, as much as any other man, that State owed her freedom from this remnant of barbarism and folly.

At the time he entered upon his political career in the winter of 1828 he was residing in Aurora. He had slowly worked into a fair legal practice, and now stood well in his profession. He had been married in 1826 to his schoolmate and first love, and began to be counted among the safe, solid, rising men of the community.

There seems to be an erroneous impression extant, even in Buffalo, as to Mr. Fillmore's ability as a speaker and pleader. In Buffalo I was told that he "never made a speech and never plead a case, and it was doubtful whether he could do so. He was not a speaker at all." But nothing could be wider from the mark than this. He had not refused to make a speech without preparation when a student with Judge Wood. In his early law practice at Aurora he had conducted his causes with skill, and his clear, unpretending presentation of his cases had brought him into general esteem. In his short service of three years in the Legislature, although he had made few speeches, in them he had established a very favorable reputation. He made no oratorical displays, spoke only when something was to be gained, and when he did speak it was with clearness, deliberateness, and strength; and this, with his fine temper, method, habits of research, and fair, straight-forwardness gained for him the distinction of being one of the most able men in the Legislature. So Judge Hammond calls him in his "History of Political Parties in New York." But it must not be understood that now or at any time

in Mr. Fillmore's life, his most considerable speeches, or indeed, perhaps, any great number of all of them, were "off-hand." As in the case of most other men, they were mainly the result of careful preparation. In his profession and his political career there was the same method, the same care and caution. When an occasion arose in court for a direct and immediate statement or defense Fillmore was ready, and his faculty for clear and convincing statement never deserted him. But his most able pleas were the work of careful study and preparation. He never went into trial with a cause until he had thoroughly mastered it in his office and study, and he seldom took a cause in which his faith and confidence were not fully enlisted. He had a pleasing voice and an exceedingly convincing and assuring manner, and these, added to his calm, clear presentation of his case, and the air of perfect preparation and confidence, gave him unusual force in court, and, although not what is ordinarily designated a jury lawyer, few men had more influence before a jury than Millard Fillmore. In his partner, Haven, he had, to some extent, his opposite. Haven had a wonderful faculty for catching up the case as it developed, on the very spur of the moment; he was an ever-ready speaker, and thought much less of laboring in a long preparation on the points of law. What he failed to do in this way he knew Fillmore would bring up.

Many of Mr. Fillmore's political, as well as professional, speeches were off-hand, and some of these were among his most "happy" and best. Several

of his speeches made on his journey from New York to Buffalo on his return from Europe in 1856 were of this class, and both these and many others at different periods compare well with such efforts of other distinguished men and public speakers. Still Mr. Fillmore did not rank with the wonderful off-hand speakers of the country, who at all times, without a word of warning or note of preparation, were ready to speak in volumes and torrents on any subject, in reason. With him the rule was to read, think, digest thoroughly, and present himself fully and cautiously prepared. Even his letters were written in the same way. Many of his political letters are characterized by this politic trait in an extreme degree. He would not commit himself if unnecessary, and seldom or never without careful consideration. His letter in 1838 on slavery fully exhibits this trait. The questions he merely answers in the affirmative, and leaves all discussion to the future, where change of events, as he well knew, generally did away with the need of discussion. He had full command of himself, and his easy, agreeable manners, fine voice, and towering manly form gave him force and prestige under all circumstances. In his office he was more a model of exactness than his original preceptor, Walter Wood, and one of the many points in which he distanced Wood was in his being a conscientious helper and teacher of the young men who studied law under him. After he located in Buffalo, and his circumstances improved, he brought into his office more of the air of comfort,

and perhaps of dignity, but in no way departed from his constant and laborious study and attention to every point in his business. In lawyers' offices it has always been the custom for a student who takes the unpalatable distinction of clerk, to clean the office, go to the post-office, and do the trifling errands connected with courts, justices, notices, advertisements, etc., and in large offices, like his was from 1834 to 1848, with sometimes several clerks, a division of these matters was usually made. Or rather, without reference to the attorneys, the clerks fixed a law of succession in these duties which was seldom interfered with, and became a common practice. A single clerk did all of these duties, but when a second one entered the office, with a mere notice or without any he succeeded to them, however distasteful they might be; his only consolation being that the first new-comer should take in welcome his inheritance. In the last half of this most busy period of Mr. Fillmore's professional career, a considerable number of young men studied in his office, there sometimes being three or four clerks.

On one of these occasions student number two, who is now one of the leading lawyers of Buffalo, had been sweeping the office, cleaning lamps, carrying mail, and doing the numerous other things devolving on such clerk, when a new clerk, number three, arrived. This new clerk, either unacquainted with the common usage or considering himself an exception, made no steps towards taking the position expected of him. In a few days, however, number two omitted



his tasks and informed number three that they now fell to him by common usage. Matters went along with some apparent satisfaction for a short time when number three, without the arrival of a successor, considering himself relieved or under no obligations to perform such labors in the office, dropped them. The next day the offices went unswept, and other necessary things were neglected. Number two saw the turn in affairs, but determined to stand his ground, in which he was supported by number one. Affairs were not long in reaching a crisis, however. Mr. Fillmore as usual sat in the back office, and after preparing his letters for the day, merely observed that they should be taken to the post-office in time for the next outgoing mail; but number three, whose duty it was to carry the mail, made no movement, and all hands were silent. After a time noticing his letters still lying on the table, Mr. Fillmore again brought the matter to the attention of the clerks, with the same result as before. He then asked what was the occasion of the unusual stop in the routine of the office work, and why the letters were not carried to the post. This simply brought out the fact that number three had ceased to perform the duties expected of him, and neither of the others considered himself under any obligation. Whereupon Mr. Fillmore put off his gown which he always wore at that time in his office, put on his coat, took the letters and carried them to the office. This having been done, he again took his place at his desk. It was very well known by the clerks

that matters could not long rest in the present shape. Further explanations were sought, in which number two stated that whatever course Mr. Fillmore chose to take he would not perform the tasks which belonged to the other. Mr. Fillmore had passed through such experiences under Huengerford and Mr. Wood, and was better able to appreciate the rights of a spirited clerk. And although the whole difficulty was only partially arranged satisfactorily he never lost his respect for the student who stood up for his privilege, and subsequently commended him above any of his clerks, and to number three who had settled out West he gave an office under his Administration. He gave a great deal of attention to his students, and regularly called them together for quizzing and discussion of points of law, and kept a general supervision over the mode in which they studied and spent time. He had scrupulously accurate habits himself in everything, and wanted those around him to have similar ones. As a rule he returned to his office after supper, and either spent some time with his students or in preparing his own cases for the next day. At these times he was as exacting as to the cleanliness of his lamps and other things to be used as he was as to his letters or the divulging of his opinions at times not absolutely called for. Indeed he was regarded as fastidious and overcautious, exact and straight-edged in everything. A spirited Buffalo woman who had watched, and perhaps, been annoyed by Mr. Fillmore's prim and exact ways, said that he never stepped on the street

or outside of his door without the precaution of an umbrella if there was a cloud only the size of a man's hand to be seen on the face of the sky.

Mr. Fillmore's partnership with Joseph Clary continued for several years. Nathan K. Hall, who had studied law under him, next became his partner, and early in 1836 the firm of Fillmore, Hall, and Haven was formed. After the withdrawal of Judge Hall the connection with Solomon G. Haven continued until the end of Mr. Fillmore's professional life at the close of 1847. The place of business, "the office," of this noted law firm was at 304, on the broad and beautiful Main Street, the chief business thoroughfare of Buffalo.

As a calm, cautious, and systematic business man he was well suited to this office. His conduct as chairman of the Committee of Ways and Means in his last three sessions in Congress had not only thoroughly demonstrated his administrative talent, but also exhibited his ability to grasp the financial questions of the day. A safer finance agent, perhaps, New York could not have found at this time within her borders. He was in the very prime of a vigorous manhood, and had yet lost none of his inclination to hard and painstaking work. Although it had not been Mr. Fillmore's desire to make the race for or be burdened by this office, he entered upon its duties with the determination to make his services profitable to his State. His law business and reputation were at their height at this time, and both his age and inclination disposed him to continue

in his profession. There is no evidence that Mr. Fillmore designed abandoning a career in which he was successful and popular, and hence this new trust he had accepted at the hands of his party involved a sacrifice of his personal interests as well as his inclinations. This had, to a great extent, been the case formerly when he had stepped from his profession to fill a political place, no matter what may be said of his future career.

Although he had given his consent for the use of his name as a candidate for the Vice-Presidency before the convention in 1844, he was averse to this step at the end of the next four years, and evidently desired to return to his profession at the expiration of his term in the Comptroller's office.

At the close of the first year of his service as Comptroller Mr. Fillmore made his only report. In this clear, full, and satisfactory presentation of the financial affairs of the State government, on the general subject of banking he says:—

“In order to determine this question properly, several things are to be taken into consideration; and the first is, What is the duty of the State in reference to banking? It would, doubtless, be desirable to create banks which should be able to discharge every obligation, not only to the bill-holder, but to the depositors, and all others to whom it should incur any liability. But this is impossible. The safety fund, which was intended to provide such security, would have been ample to redeem all the circulation of the banks which have failed, but it has been exhausted in paying depositors and other creditors of the insolvent banks, and is now mortgaged for all it will probably produce for eighteen years to come. Thus, by attempting more than could be accomplished, the Legislature

failed to secure the bill-holder, which was in its power, and, for the remaining eighteen years that some of these charters have to run, the safety fund yields him no security. It is apparent, then, that security for all liabilities can not be provided, and the State is under no more obligation to attempt this impossibility than it would be the equally absurd one of making every merchant capable of meeting all the obligations he should incur.

"It is humbly conceived the duty of the State in this case begins and ends with furnishing a good and safe currency to the people. To furnish this currency, so far as it consists of paper or credit, is an exclusive privilege granted by the State, and the State should take care that in granting it the people are secured from imposition and loss. Any man may receive deposits or discount a note or loan money or draw a bill of exchange.

"These, it is admitted, are banking operations. But they are open to all. Those who engage in them enjoy no exclusive privilege. But not so with those who are authorized to issue bank-notes to circulate as money. This is a banking operation confined to the few. It is a prerogative enjoyed exclusively by the money-kings of the country, and they should not enjoy it without giving the most ample security. This duty is justly imposed for the privilege which is granted.

"Assuming, then, that the great object of legislation on this subject is to provide a sound currency by giving ample security to the bill-holder, the question is, How can this best be accomplished? It must be borne in mind that safety-fund banks derive much of their credit from the individuals who were incorporated. By granting a special charter in each case, the Legislature had it in its power in some measure to control this matter.

"But there was an attendant evil that, in the opinion of many, outweighed the good. The practice of granting exclusive privileges to particular individuals invited competition for these legislative favors. They were soon regarded as part of the *spoils* belonging to the victorious party, and were dealt out as rewards for partisan services.

"This practice became so shameless and corrupt that it could be endured no longer, and in 1838 the Legislature



sought a remedy in the general banking law. This was the origin of the free bank system. Since that time no safety-fund bank has been chartered; and in 1846 the people set their seal of reprobation upon this practice of granting special charters for banks, by providing in the new constitution that 'the Legislature should have no power to pass any act granting any *special charter* for banking purposes, but that corporations or associations might be formed for such purposes under *general laws*.'

"Would it be safe, then, to provide by general law that voluntary associations or incorporations might be formed anywhere and by any persons for banking? The Comptroller thinks not. Suppose they were required to pay in all their capital, and the most satisfactory proof should be required of this fact. Even this is no security to the bill-holder. The capital paid in is left in the custody of those who pay it. They can withdraw it at pleasure. It would only be necessary for those who wish to practice a fraud upon the credulity of the community, and reap a golden harvest, to associate together and form a bank, pay in a large capital, appoint one of their associates president, and another cashier, to take charge of it; prove to this department these facts, and obtain bills for circulation to an equal amount, and then pay them out for property easily transported—take their capital and leave for California; and in one week they would be beyond the reach of process or the power of coercion.

"But it has been suggested that each bank might be required to deposit a certain amount, say ten per cent, in the treasury, to constitute a fund for the redemption of its bills. So far as this deposit goes it may be safe. It is on the principle of the free bank system. But if the deposit be intended for the redemption of the bank only which makes the deposit, it is wholly inadequate. It is no more than the banks under the old safety-fund system paid to a general fund. Their charters had twenty years to run. They paid half of one per cent per annum, making in all ten per cent. To say that one dollar is deposited as a security for the redemption of ten, is a mockery.

"But it may be said that the bills constitute a common fund for the redemption of the bills of the insolvent banks only.

Then, as many which are solvent will not want it, there will be enough to redeem all the bills of those which shall prove insolvent. This is doubted. This fund, instead of being sufficient to redeem the notes of all insolvent banks, would probably for a time give just credit enough to the fraudulent associations which would be formed, to enable them to get their notes in circulation, and then by withdrawing their capital the more effectually defraud the community. It is believed to be wholly inadequate for the object intended.

“The Comptroller believes that the safest way to make a sound paper currency is to have at all times ample security for its redemption in the possession of the State. In order to make this security ample, it should be not only sufficient in amount, but should be of such a nature that it may be readily converted into cash without loss. It is not enough, that the security be ultimately good or collectible; delay in redeeming the circulation causes it to depreciate, and is almost as fatal to the poor man who can not wait as ultimate insolvency. He becomes at once the victim of the broker.

“A bond and mortgage may be good; that is, the whole amount secured by them may be collectible. But the billholder can not wait for this. They must be convertible into cash by sale, and if for any reason this can not be promptly done, they are not of that kind of security which should be required. All the experience of this department shows that bonds and mortgages are not the best security for this purpose, and while better security can be had, it is deeply to be regretted that they were ever received. The apprehension that there may be a defect of title, that the lands mortgaged may have been appraised too high, or that there may be some legal defense to a suit of foreclosure, all conspire to depreciate their value in the estimation of purchasers, when offered for sale at auction on the failure of a bank.”

It will be seen by this extract that the Comptroller was superintendent of the banking affairs of the State government. And to all these duties this officer added that of member of the Canal Board, at

that day an important interest in New York. Mr. Fillmore, with his characteristic laboriousness, performed all the functions of this complex office in a manner to give general satisfaction to the people of the State, and to further strengthen himself in the favor of his Whig friends.

They now put him forward as their candidate for the Vice-Presidency, and this time with more hope of success. The convention met in Philadelphia, June 7, 1848. The stormy meeting lasted three days. Mr. Fillmore and Abbott Lawrence were presented to the convention for the Vice-Presidency, and on the second ballot the former was chosen by a large majority, and the convention at once adjourned, leaving the candidates and their friends, without a platform, to conduct the great campaign as best they could.

The ballots for Vice-President were as follows:—

Fillmore,	. . . . .	115	173
Lawrence,	. . . . .	109	83
Scattering,	. . . . .	50	4
Total,	. . . . .	274	260

The scattering votes had been cast for George Evans, of Maine; T. M. T. McKennan, of Pennsylvania; Andrew Stewart, and John Sergeant, both of that State also, received votes.

Although this convention adopted no platform of principles, considerable effort was made in that direction, very largely based upon the uncertainty about the opinions of General Taylor. Before the nomina-

tion was made Mr. Fuller, of New York, offered this resolution, which was laid on the table:—

*“Resolved, That as the first duty of the representatives of the Whig party is to preserve the principles and integrity of the party, the claims of no candidate can be considered by this convention unless such candidate stands pledged to support, in good faith, the nominees, and to be the exponent of Whig principles.”*

After General Taylor was nominated Charles Allen, of Massachusetts, offered the following:—

*“Resolved, That the Whig party, through its representatives here, agrees to abide by the nomination of General Zachary Taylor, on condition that he will accept the nomination as the candidate of the Whig party, and adhere to its great fundamental principles, no extension of slave territory, no acquisition of foreign territory by conquest, protection to American industry, and opposition to Executive usurpation.”*

But this resolution was decided out of order, and ignored. D. R. Tilden, of Ohio, after both nominations had been made, offered the following, which shared the fate of all the other efforts in the same direction:—

*“Resolved, That while all power is denied to Congress under the Constitution to control, or in any way interfere with, the institution of slavery within the several States of the Union, it nevertheless has the power, and it is the duty of Congress, to prohibit the introduction or existence of slavery in any territory now possessed, or which may hereafter be acquired by, the United States.”*

After the work of the convention was ended, on the same evening (June 9th) there was a ratification

meeting in Philadelphia, which was addressed by several persons who had been delegates to the convention. In this meeting the question of a campaign platform was not so much a matter of calculation and policy, and the result was the adoption of the following resolutions:—

“1. *Resolved*, That the Whigs of the United States, here assembled by their representatives, heartily ratify the nominations of General Zachary Taylor as President, and Millard Fillmore as Vice-President, of the United States, and pledge themselves to their support.

“2. *Resolved*, That in the choice of General Taylor as the Whig candidate for President we are glad to discover sympathy with a great popular sentiment throughout the Nation—a sentiment which, having its origin in admiration of great military success, has been strengthened by the development, in every action and every word, of sound conservative opinions, and of true fidelity to the great example of former days, and to the principles of the Constitution as administered by its founders.

“3. *Resolved*, That General Taylor in saying that, had he voted in 1844, he would have voted the Whig ticket, gives us the assurance—and no better is needed from a consistent and truth-speaking man—that his heart was with us at the crisis of our political destiny, when Henry Clay was our candidate, and when not only Whig principles were well defined and clearly asserted, but Whig measures depended on success. The heart that was with us then is with us now, and we have a soldier's word of honor, and a life of public and private virtue, as the security.

“4. *Resolved*, That we look on General Taylor's administration of the Government as one conducive of Peace, Prosperity, and Union. Of Peace—because no one better knows, or has greater reason to deplore, what he has



seen sadly on the field of victory, the horrors of war, and especially of a foreign and aggressive war. Of Prosperity—now more than ever needed to relieve the Nation from a burden of debt, and restore industry—agricultural, manufacturing, and commercial—to its accustomed and peaceful functions and influences. Of Union—because we have a candidate whose very position as a South-western man, reared on the banks of the great stream whose tributaries, natural and artificial, embrace the whole Union, renders the protection of the interests of the whole country his first trust, and whose varied duties in past life have been rendered not on the soil, or under the flag of any State or section, but over the wide frontier, and under the broad banner of the Nation.

“5. *Resolved*, That standing, as the Whig party does, on the broad and firm platform of the Constitution, braced up by all its inviolable and sacred guarantees and compromises, and cherished in the affections because protective of the interests of the people, we are proud to have, as the exponent of our opinions, one who is pledged to construe it by the wise and generous rules which Washington applied to it, and who has said (and no Whig desires any other assurance) that he will make Washington’s Administration the model of his own.

“6. *Resolved*, That as Whigs and Americans we are proud to acknowledge our gratitude for the great military services which, beginning at Palo Alto, and ending at Buena Vista, first awakened the American people to a just estimate of him who is now our Whig candidate. In the discharge of a painful duty, for his march into the enemy’s country was a reluctant one; in the command of regulars at one time, and volunteers at another, and of both combined; in the decisive though punctual discipline of his camp, where all respected and beloved him; in the negotiation of terms for a dejected and desperate enemy; in the exigency of actual conflict, when

the balance was perilously doubtful, we have found him the same—brave, distinguished, and considerate, no heartless spectator of bloodshed, no trifler with human life or human happiness; and we do not know which to admire most, his heroism in withstanding the assaults of the enemy in the most hopeless fields of Buena Vista, mourning in generous sorrow over the graves of Ringgold, of Clay, or of Hardin, or in giving in the heat of battle terms of merciful capitulation to a vanquished foe at Monterey, and not being ashamed to avow that he did it to spare women and children, helpless infancy, and more helpless age, against whom no American soldier ever wars. Such a military man, whose triumphs are neither remote nor doubtful, whose virtues these trials have tested, we are proud to make our candidate.

“7. *Resolved*, That in support of such a nomination we ask our Whig friends throughout the Nation to unite, to co-operate zealously, resolutely, with earnestness in behalf of our candidate, whom calumny can not reach; and with respectful demeanor to our adversaries, whose candidates have yet to prove their claims on the gratitude of the Nation.”

In the Whig Convention, in Baltimore, in 1844, in which all the States were represented, Mr. Fillmore had been a prominent candidate for the Vice-Presidency, the ballots being as follows:—

T. Frelinghuysen, . . .	101	118	155
John Davis, Mass., . . .	83	74	79
Millard Fillmore, . . .	53	51	40
John Sergeant, . . .	38	32	
Total, . . .	275	275	274

## CHAPTER VII.

A BRIEF BUT SATISFACTORY VICE-PRESIDENCY—DEATH  
AGAIN CLEARS THE WHITE HOUSE—MR. FILLMORE  
BECOMES PRESIDENT.

TO the notice announcing his nomination, Mr. Fillmore returned this reply:—

“ALBANY, NEW YORK, June 17, 1848.

“SIR,—I have the honor to acknowledge the receipt of your letter of the 10th instant, by which I am notified that at the late Whig Convention held at Philadelphia, General Zachary Taylor was nominated for President, and myself for Vice-President, and requesting my acceptance.

“The honor of being thus presented by the distinguished representatives of the Whig party of the Union for the second office in the gift of the people—an honor as unexpected as it was unsolicited—could not fail to awaken grateful emotions, which, while they can not be suppressed, find no appropriate language for utterance.

“Fully persuaded that the cause in which we are enlisted is the cause of the country; that our chief object is to secure peace, preserve its honor, and advance its prosperity; and feeling, moreover, a confident assurance that in General Taylor, whose name is presented for the first office, I shall always find a firm and consistent Whig, a safe guide, and an honest man, I can not hesitate to assume any position which my friends may assign me.

“Distrusting, as I well may, my ability to discharge satisfactorily the duties of that high office, but feeling that

in case of my election, I may with safety repose upon the friendly aid of my fellow Whigs, and that efforts guided by honest intentions will always be charitably judged, I accept the nomination so generously tendered, and I do this the more cheerfully, as I am willing, for such a cause and with such a man, to take my chances of success or defeat, as the electors, the final arbiters of our fate, shall, in their wisdom, judge best for the interests of our country.

“Please accept the assurance of my high regard and esteem, and permit me to subscribe myself your friend and fellow-citizen,

MILLARD FILLMORE.”

A few days after the election, while in New York City, Mr. Fillmore was called upon by a body of jubilant friends, including the members of the Whig General Committee, when in response to an address delivered to him by Philip Hone, Mr. Fillmore said:—

“MR. CHAIRMAN,—A compliment from a city like yours, the Empire City not only of the Empire State, but the commercial emporium of our whole common country, could never be properly replied to by me, even if I had time to prepare; but the suddenness of your announcement and the warmth and heartiness with which you have welcomed me, quite unfit me to make any reply at all. I can only thank you, in my embarrassment; but I am sure it is not to me this tribute is rendered, but to the illustrious man under whose name and whose principles we have achieved the brilliant civil victory that the telegraph for the week past has been sending to us. In that man, and his simplicity, energy, and straightforwardness, I have the highest confidence. I have never had the honor of taking him by the hand or of meeting him face to face, but I have studied well his character, and I feel, therefore, that I know him well; for it is a character plain and open,

to be read by every body, and not of that complex nature that deludes and puzzles the observer.

"I have no doubt that under his Administration you will realize all the high and patriotic expectations that you entertain, and that the country will receive an impetus and a direction under his honest hands that will go far, not only to make it flourish, but to make its institutions endure. I look to him with confidence for a restoration of sound republican principles, and for an Administration of honest men; and with him I am sure we shall have the Government of the popular voice—not the expression of the arbitrary will of one man. What the people demand the people will have, and upon them will depend the success of the Administration of Zachary Taylor.

"Gentlemen, I thank you heartily for the kindness with which you have welcomed me, and I wish you all happiness and prosperity."

The following extract is from a letter written by Mr. Fillmore about this time:—

. . . "I trust, too, that you will not blame me for expressing the gratification and pride which I feel in receiving so flattering a vote in my native State. But these things are in a measure personal to myself, and therefore of little importance. But the cordiality and unanimity with which the Whig ticket has been sustained everywhere, North and South, East and West, is a just cause of national felicitation. It proves that the great Whig party is truly a national party; that it occupies that safe and conservative ground which secures to every section of the country all that it has a right to claim under the guaranty of the Constitution; that such rights are inviolate; and as to all other questions of mere policy, where Congress has the Constitutional right to legislate, the will of the people, as expressed through their representatives



in Congress, is to control, and that will is not to be defeated by the arbitrary interposition of the veto power.

“This simple rule, which holds sacred all Constitutional guarantees, and leaves the law-making power where the Constitution placed it, in Congress, relieves the party at once from all the embarrassing questions that arise out of sectional differences of opinion, and enables it to act harmoniously for the good of the country. When the President ceases to control the law-making power, his individual opinions of what the law ought to be become comparatively unimportant. Hence we have seen General Taylor, though attacked as a slaveholder and a proslavery man at the North, cordially supported and triumphantly elected by men opposed to slavery in all its forms; and though I have been charged at the South, in the most gross and wanton manner, with being an Abolitionist and an incendiary, yet the Whigs of the South have cast these calumnies to the winds, and, without asking or expecting anything more than what the Constitution guarantees to them on this subject, they have yielded to me a most hearty and enthusiastic support. This was particularly so in New Orleans, where the attack was most violent.

“Really, these Southern Whigs are noble fellows. Would you not lament to see the Union dissolved, if for no other cause than that it separated us from such true, noble, and high-minded associates? But I regard this election as putting an end to all ideas of disunion. It raises up a national party, occupying a middle ground, and leaves the fanatics and disunionists, North and South, without the hope of destroying the fair fabric of our Constitution. May it be perpetual!”

On the last day of January, 1849, Mr. Fillmore sent to the Governor his resignation, and on the 20th of February vacated the Comptroller's office. The

4th of March in this year fell on Sunday, and on the following day the inauguration took place. So far as the Vice-President is concerned this is a simple and unceremonious affair. At noon the "Senate Chamber" was filled with Congressmen, Judges of the Supreme Court, Foreign Ministers, and others, to witness the Vice-President inducted into office. Mr. Dallas, now white-headed, and himself a very attractive man, led his successor to the Chair of the Senate. Mr. Fillmore then took the oath of office, administered by the acting president of the Senate, and delivered this short address:—

"SENATORS,—Never having been honored with a seat on this floor, and never having acted as the presiding officer of any legislative body, you will not doubt my sincerity when I assure you that I assume the responsible duties of this chair with a conscious want of experience, and a just appreciation that I shall often need your friendly suggestions, and more often your indulgent forbearance. I should, indeed, feel oppressed and disheartened did I not recollect that the Senate is composed of eminent statesmen, equally distinguished for their high intellectual endowments and their amenity of manners, whose persuasive eloquence is so happily tempered with habitual courtesy as to relieve your presiding officer from all that would be painful in the discharge of his duty, and render his position as agreeable as it must be instructive.

"Thus encouraged and sustained, I enter upon the duties assigned me, firmly resolved to discharge them with impartiality and to the best of my ability. But I should do injustice to the grateful emotions of my own heart if I did not, on this occasion, express my warmest thanks for the distinguished honor that has been

conferred upon me in being called by the voice of the Nation to preside over your deliberations.

"It will not, I trust, be deemed inappropriate to congratulate you on the scene now passing before us. I allude to it in no partisan aspect, but as an ever-recurring event contemplated by the Constitution. Compare the peaceful changes of Chief Magistrate of this Republic with the recent sanguinary revolutions in Europe.

"There the voice of the people has only been heard amid the din of arms and the horrors of domestic conflicts; but here, in our own favored land, under the guidance of our Constitution, the resistless will of the Nation has, from time to time, been peaceably expressed by the free will of the people, and all have bowed in obedient submission to their decree.

"The Administration which but yesterday wielded the destinies of this great Nation to-day quietly yields up its power, and, without a murmur, retires from the Capitol.

"I congratulate you, Senators, and I congratulate my country, upon these oft-recurring and cheering evidences of our capacity for self-government. Let us hope that the sublime spectacle we now witness may be repeated as often as the people shall desire a change of rulers, and that this venerated Constitution, and this glorious Union, may endure forever."

According to a foolish custom Mr. Fillmore, as well as General Taylor, visited that night the three "inaugural balls" at Jackson Hall, City Hall, and Carusi's Saloon, as a suitable termination for the august ceremonies of the day. Soon after these ceremonies were over Mr. Fillmore returned to Buffalo, but at the opening of Congress in December took his place as presiding officer of the Senate. His fine appearance and urbane manners made him a conspicuous

figure in the Senate; and his fair and firm course gave general satisfaction. Many years before, Mr. Calhoun, and perhaps others, had declared that the President of the Senate had no authority to call a member to order for an infringement of rules or the common courtesy of debate. The imperious Southerner had, to a great extent, acted upon the principle he had announced, and the undignified, if not unmanly, practice had grown beyond the control of the chairman. In the heated debates which characterized this session Mr. Fillmore early announced it as his opinion that the presiding officer should preserve the decorum of the "chamber," and that he should exercise his right, if need be, to correct the course of his predecessors. His conduct was approved, and has since been the usage of the Senate.

On the 9th of July, 1850, President Taylor died, and, on the following day, Mr. Fillmore sent this note to the Senate and House of Representatives:—

"WASHINGTON, July 10, 1850.

"FELLOW-CITIZENS OF THE SENATE AND OF THE HOUSE OF REPRESENTATIVES:—

"I have to perform the melancholy duty of announcing to you that it has pleased Almighty God to remove from this life Zachary Taylor, late President of the United States. He deceased last evening at the hour of half-past ten o'clock, in the midst of his family, and surrounded by affectionate friends, calmly, and in the full possession of all his faculties. Among his last words were these, which he uttered with emphatic distinctness: 'I have always done my duty—I am ready to die; my only regret is for the friends I leave behind me.'

“Having announced to you, fellow-citizens, this most afflicting bereavement, and assuring you that it has penetrated no heart with deeper grief than mine, it remains for me to say that I propose this day, at twelve o’clock, in the hall of the House of Representatives, in the presence of both Houses of Congress, to take the oath prescribed by the Constitution, to enable me to enter on the execution of the office which this event has devolved on me.

“Yours, respectfully,

“MILLARD FILLMORE.”

Immediately after the reading of this communication Daniel Webster offered these resolutions:—

“*Resolved*, That the two Houses will assemble this day in the hall of the House of Representatives, at twelve o’clock, to be present at the administration of the oath prescribed by the Constitution to the late Vice-President of the United States, to enable him to discharge the powers and duties of the office of President of the United States, devolved on him by the death of Zachary Taylor, late President of the United States.

“*Resolved*, That the Secretary of the Senate present the above resolution to the House of Representatives and ask its concurrence therein.”

About the same moment this message came from the House, and was concurred in by the Senate:—

“*Resolved*, That the Hon. Messrs. Winthrop, Morse, and Morehead be appointed a committee on the part of this House, to join such a committee as may be appointed by the Senate, to wait on the President of the United States, and inform him that the Senate and House of Representatives will be in readiness to receive him in the hall of the House of Representatives this day, at twelve o’clock, for the purpose of witnessing the administration of the oath



prescribed by the Constitution to enable him to enter upon the execution of the office."

Mr. Benton gives this account of the simple but appropriate process by which Mr. Fillmore chose to assume the office of President:—

"Wednesday, July the tenth, witnessed the inauguration of Mr. Fillmore, Vice-President of the United States, become President by the death of President Taylor. It took place in the Hall of the House of Representatives, in the presence of both Houses of Congress, in conformity to the wish of the new President, communicated in a message. The Constitution requires nothing of the President elect before entering on the duties of his station, except to take the oath of office, faithfully to execute his duties, and do his best to preserve, protect, and defend the Constitution; and that oath might be taken anywhere, and before any magistrate having power to administer oaths, and then filed in the Department of State; but propriety and custom have made it a ceremony to be publicly performed, and impressively conducted. A place on the great eastern portico of the Capitol, where tens of thousands could witness it, and the Chief Justice of the Supreme Court of the United States to administer the oath, have always been the place and the magistrate for this ceremony, in the case of Presidents elected to the office—giving the utmost display to it—and very suitably, as in such cases there is always a feeling of general gratification and exultation. Mr. Fillmore, with great propriety, reduced the ceremony of his inauguration to an official act, impressively done in Congress, and to be marked by solemnity without joy. A committee of the two Houses attended him—Messrs. Soulé, of Louisiana, Davis, of Massachusetts, and Underwood, of Kentucky, on the part of the Senate; Messrs. Winthrop, of Massachusetts, Morse, of Louisiana, and Morehead, of Kentucky, on the part of the House;

and he was accompanied by all the members of the late President's Cabinet. The Chief Justice of the Circuit Court of the District of Columbia, the venerable William Cranch, appointed fifty years before, by President John Adams, administered the oath; which being done, the President, without any inaugural address, bowed and retired; and the ceremony was at an end."

## CHAPTER VIII.

THE NEW ADMINISTRATION—THE GREAT ISSUE, SLAVERY—CLAY AND CALHOUN—THE PRESIDENT EQUAL TO THE EMERGENCY.

MR. FILLMORE'S first act as President was to send the following message to Congress :—

“ WASHINGTON, July 10, 1850.

“ FELLOW-CITIZENS OF THE SENATE AND OF THE HOUSE OF REPRESENTATIVES:—

“ A great man has fallen among us, and a whole country is called to an occasion of unexpected, deep, and general mourning.

“ I recommend to the two Houses of Congress to adopt such measures as in their discretion may seem proper, to perform with due solemnity the funeral obsequies of Zachary Taylor, late President of the United States; and thereby to signify the great and affectionate regard of the American people for the memory of one whose life has been devoted to the public service; whose career in arms has not been surpassed in unsefulness or brilliancy; who has been so recently raised by the unsolicited voice of the people to the highest civil authority in the Government, which he administered with so much honor and advantage to his country; and by whose sudden death so many hopes of future usefulness have been blighted forever.

“ To you, Senators and Representatives of a Nation in tears, I can say nothing which can alleviate the sorrow with which you are oppressed.

“I appeal to you to aid me under the trying circumstances which surround us in the discharge of the duties from which, however much I may be oppressed by them, I dare not shrink ; and I rely upon Him who holds in His hands the destinies of nations to endow me with the requisite strength for the task, and to avert from our country the evils apprehended from the heavy calamity which has befallen us.

“I shall most readily concur in whatever measures the wisdom of the two Houses may suggest, as befitting this deeply melancholy occasion.

“MILLARD FILLMORE.”

The two Houses were very ready to comply with the President's recommendation, and arrangements were at once made for a public funeral of General Taylor, on Saturday, July 13th.

The members of General Taylor's Cabinet had, immediately after the old soldier's death, signified their readiness to retire from the positions they occupied. This step Mr. Fillmore had every reason to expect, if not desire ; but he requested the Cabinet to remain at the heads of the departments until he could have time to appoint their successors. This they mainly did. Mr. Clayton, Secretary of State, left at once, however, without staying to transact any business under the new President.

Mr. Fillmore had had little influence with President Taylor. The patronage due to New York had not been given to his friends, nor distributed at his instigation. General Taylor had been led to prefer the counsel of William H. Seward. He had not been backward, however, in asking places for some of his

friends, and had done his part, perhaps, in the clamor for office that helped to wear out the life of General Taylor. But, at all events, his wishes were not gratified, and the Cabinet of President Taylor had shown no disposition to be friendly to him. Besides this state of affairs, Mr. Fillmore, in the main, favored the "Omnibus Bill," or last compromise measures of Mr. Clay, and this, it was believed, was the very thing which the members of General Taylor's Cabinet would not support. From all these things it was, from the first, evident that Mr. Fillmore would have to form a new Cabinet.

He was greatly attached to Robert C. Winthrop, of Massachusetts, and at the outset meant to offer him the post of Secretary of State. Mr. Winthrop was about to retire from Congress, and the offer of a place in Mr. Fillmore's Cabinet would have been gladly accepted by him. Mr. Winthrop was deservedly a favorite in Washington, and most of his political associates, as also those opposed to his party, would have been pleased to see him connected with the new Administration. He had, on the Fourth of July, given his last dinner, at which the Vice-President had sat on his right and Mr. Cobb, the Speaker of the House, on his left, and where he took a delight in bringing together all shades of sectional and partisan wranglers. But Mr. Mangum and Henry Clay recommended the appointment of Daniel Webster as Secretary of State, as it was held that this place should now be filled by a man who was known, and whose abilities would inspire confidence abroad as



well as at home. Mr. Fillmore yielded to this view, and Mr. Webster was at once appointed.

On the 20th of July the following nominations were sent to the Senate for confirmation: Daniel Webster, of Massachusetts, for Secretary of State; Thomas Corwin, of Ohio, Secretary of the Treasury; James A. Pearce, of Maryland, Secretary of the Interior; William A. Graham, of North Carolina, Secretary of the Navy; Edward Bates, of Missouri, Secretary of War; Nathan K. Hall, of New York, Postmaster-General; and John J. Crittenden, of Kentucky, Attorney-General.

Mr. Pearce declined, and T. M. T. McKennan was substituted; but he held the office two weeks only, being compelled to resign on account of ill health. Finally Alexander H. H. Stuart, of Virginia, was made Secretary of the Interior; and Mr. Bates being unable to serve in the place offered him, Charles M. Conrad, of Louisiana, was appointed Secretary of War. This Cabinet, as now arranged, was well selected and able, comparing favorably with those of former Administrations. To his friend, Franklin Haven, Mr. Webster wrote from Washington, July 21, 1850, concerning himself and the Cabinet, as follows:—

“You probably received a telegraphic dispatch from me yesterday. In the morning (of yesterday) I received your letter, and one from Mr. Mills, and one from Mr. Harvey; and I thought it better to decide at once, as affairs are pressing, and as the President, who had agreed that I might have time to go home before deciding whether I would take the

office or not, felt some anxiety, nevertheless, about the delay, and was desirous that, if possible, I should accept at once. He behaved in the most handsome manner in all respects, and, when the proper time came, sent me a word by a member of the Senate, offering me the Department of State, and desiring me to come to his house at once and confer on other appointments. I am quite satisfied with the Cabinet in all respects. Mr. Fillmore is exceedingly cautious, and takes time for consideration; but he is not wanting in firmness, I think, and is a thorough, conservative Whig.

“I never did anything more reluctantly than taking the office which I have taken. From the time of General Taylor’s death I supposed it might be offered, and pressed hard upon me by members of Congress. The fear rendered my nights sleepless. And the truth is, I was so much urged on all hands that resistance was out of the case, except upon the grounds which the letters received yesterday removed.”

Soon after General Taylor’s family quit the White House Mr. Fillmore made his head-quarters there, but some months passed before his own family came on to Washington. The country was in the midst of a great political convulsion from the ever-fruitful source of slavery, and with deep anxiety Mr. Fillmore entered upon the task said to have been providentially assigned him. The long, stormy session of Congress was still drawn out; and there was little hope of an arrangement to allay the bitter sectional strife now again threatening disunion—the remedy which Southern men unwisely held out as the cure for all their troubles.

For many days the business of the session had been delayed by a shameful strife, wholly growing

out of this evil, chronic theme, over the election of a Speaker for the House; and which was only finally settled by an unheard-of scheme or trick which gave the position to the slavery side in the election of Howell Cobb. At the beginning of this session the three men, Clay, Webster, and Calhoun, most distinguished in the whole history of the Congress of the United States again met in the Senate; and now for the last time Mr. Calhoun, though weak in body, carried in his hand the brand which he had waved, with little abatement, during the latter half of his public career. Webster and Clay, on the other hand, true to their undeviating former career, were as eager in their efforts to prevent or remove farther into the future the fatal hour to their country. The latter had brought forward his "Omnibus Bill," or last compromise measures, before Mr. Fillmore took the seat made vacant by the premature death of the honest old hero of Buena Vista. Mr. Calhoun had made his last pronunciamiento by the mouth of Senator Mason; and when this work was done, and he had eagerly watched its effects upon the "giants" by the side of whom and against whom he had fought, he was carried away to die. Clay and Webster paid the tribute of generous, magnanimous men to his memory. As there never was but one Clay and one Webster, so there never has been but one Calhoun, however much others have claimed to follow in his steps, or bear his cloak. While Mr. Fillmore yet presided over the Senate, this distinguished Democrat and champion of human slavery

had quietly and without concern for the past or future given up the struggle of life with the sentiment that "The same Providence ruled over the fatal as the natal hour;" "He who had taken care of the natal hour would also take care of the fatal one." For a moment animosities and contentions had ceased, only to break out with renewed fury when the proud chief had been put out of sight.

Of him Mr. Benton wrote:—

"Mr. Calhoun is dead. Peace to his manes! But he has left his disciples, who do not admit of peace; who 'rush in' where their master 'feared to tread.' He recoiled from the disturbance of the Missouri Compromise; they expunge it. He shuddered at the thought of bloodshed in civil strife; they demand three millions of dollars to prepare arms for civil war."

Although the Senate Committee had reported in favor of the "Omnibus Bill," on the 1st of August it was defeated, and compromise seemed at an end. Mr. Clay had urged, plead, and begged in vain. When he saw this result to all his earnest, patriotic efforts, Mr. Clay said, with deep feeling:—

"We have presented to the country a measure of peace, a measure of tranquillity, one which would have harmonized, in my opinion, all the discordant feelings which prevail. That measure, sir, has met with a fate not altogether unexpected, I admit, on my part; but one, as it respects the country at large, I deplore exceedingly. For myself, personally, I have no cause to complain. The majority of the committee to which I belonged have done their duty, their whole duty faithfully and perseveringly. If the measure has been defeated, it has been defeated by the extremists on both sides of this chamber. . . .



"I stand here in my place meaning to be unawed by any threats, whether they come from individuals or States. I should deplore, as much as any man ever did or can do, that arms should be raised against the general authority of the Union, either by individuals or States. But after all that has occurred, if any one State, or portion of a State, shall choose to place itself in military array against the Government of the Union, I am for trying the strength of the Government of the Union. I am for ascertaining whether we have a Government or not—practically efficient, capable of maintaining its authority and of upholding the powers and interests which belong to a Government. Nor, sir, am I to be alarmed or dissuaded by any such cause as the intimations of the spilling of blood. If blood is to be spilled, by whose fault is it to be done? By those, sir, who have endeavored to raise the standard of disunion, and attempt to prostrate this Government. And, sir, when that is done, so long as it pleases God to give me a voice to express my sentiments, or an arm to raise, weak and feeble though it be, that voice and that arm shall be on the side of the country, in the support of the authority and maintenance of the powers of the General Government."

It is not difficult to see where Henry Clay would have stood had he lived until 1861. His labors and his unswerving, unalterable patriotism, devotion to the National Government and whole Union were much lauded by the North; but he was chagrined and disappointed, and weary with the weight of years, as well as of fruitless turmoil and exertion, he gave up, and left the task to other hands, praying that Congress would pass into separate laws the main features of the "Omnibus Bill." Yet he did not abandon his place in the Senate until restrained



by disease, and warned to the consideration of loftier themes. For several years his attention had been more earnestly directed to spiritual subjects, and the precepts of the Great Lawgiver, whose mission of peace he had so often imitated in his own efforts. On the 29th of June, 1852, he died, in his room at the National Hotel in Washington.

The failure of Mr. Clay's compromise measures in a body demonstrated the fact that compromise on the subject of slavery was now out of the question. The spirit of concession was gone. In the rejection of the Wilmot Proviso the disposition to unanimity disappeared. All legislation was now to be settled on the plan of majorities against minorities. Even in the rejection of the Wilmot Proviso the friends of the non-extension of slavery had sacrificed little or nothing. Mexico had abolished slavery in all her territories; and in New Mexico there could be no slavery until Congress had repealed the laws of that Republic, or Texas had established her authority above that of the General Government. Mr. Pearce, to whom President Fillmore had offered a place in his Cabinet, now led in the Senate in the distribution of the "Omnibus Bill," which he had opposed, into separate measures.

In the meantime affairs had been growing worse throughout the country. Texas, backed by the hot-headed pro-slavery men of the South, was preparing to settle the question of boundary with New Mexico by the sword. The time for action on the part of the Administration had come. There was but one right

course for the General Government, and that Mr. Fillmore took. It was his duty to protect New Mexico until Congress, the only competent power, should settle the disputed points. He accordingly ordered a military force to be thoroughly equipped and sent forward for New Mexico. On the 6th of August he sent a message to Congress in which he said:—

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES:—

I herewith transmit to the two Houses of Congress a letter from his excellency the Governor of Texas, dated on the 14th day of June last, addressed to the late President of the United States, which, not having been answered by him, came to my hands on his death; and I also transmit a copy of the answer which I have felt it to be my duty to cause to be made to that communication.

Congress will perceive that the Governor of Texas officially states that, by authority of the Legislature of that State, he dispatched a special commissioner with full power and instructions to extend the civil jurisdiction of the State over the unorganized counties of El Paso, Worth, Presidio, and Santa Fe, situated on its north-western limits.

He proceeds to say that the commissioner had reported to him, in official form, that the military officers employed in the service of the United States, stationed at Santa Fe, interposed adversely with the inhabitants to the fulfillment of his object in favor of the establishment of a separate State government east of the Rio Grande, and within the rightful limits of the State of Texas.

These four counties, which Texas thus proposes to establish and organize as being within her own jurisdiction, extend over the whole of the territory east of the Rio Grande, which has heretofore been regarded as an essential and integral part of the department of New Mexico, and actually governed and possessed by her people until conquered and severed from the Republic of Mexico by the American arms.

The Legislature of Texas has been called together by her governor for the purpose, as is understood, of maintaining her claim to the territory east of the Rio Grande, and of establishing over it her own jurisdiction and her own laws by force.

These proceedings of Texas may well arrest the attention of all branches of the Government of the United States; and I rejoice that they occur while the Congress is yet in session. It is, I fear, far from being impossible that, in consequence of these proceedings of Texas, a crisis may be brought on which shall summon the two Houses of Congress—and still more emphatically the Executive Government—to an immediate readiness for the performance of their respective duties.

By the Constitution of the United States, the President is constituted commander-in-chief of the army and navy, and of the militia of the several States when called into the actual service of the United States. The Constitution declares, also, that he shall take care that the laws be faithfully executed; and that he shall, from time to time, give to the Congress information of the State of the Union.

Congress has power, by the Constitution, to provide for calling forth the militia to execute the laws of the Union; and suitable and appropriate acts of Congress have been passed, as well for providing for calling forth the militia as for placing other suitable and efficient means in the hands of the President to enable him to discharge the Constitutional functions of his office.

The second section of the act of the 28th of February, 1795, declares that whenever the laws of the United States shall be opposed, or their execution obstructed in any State, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or the power vested in the marshals, the President may call forth the militia, as far as may be necessary, to suppress such combinations, and to cause the laws to be duly executed.

By the act of March 3, 1807, it is provided that in all cases of obstruction to the laws either of the United States or any individual State or Territory, where it is lawful for the President to call forth the militia for the purpose of causing the laws to be duly executed, it shall be lawful for him to employ,

for the same purposes, such part of the land or naval force of the United States as shall be judged necessary.

These several enactments are now in full force; so that, if the laws of the United States are opposed or obstructed in any State or Territory by combinations too powerful to be suppressed by the judicial or civil authorities, it becomes a case in which it is the duty of the President either to call out the militia or to employ the military and naval force of the United States, or to do both, if, in his judgment, the exigency of the occasion shall so require, for the purpose of suppressing such combinations. The Constitutional duty of the President is plain and peremptory, and the authority vested in him by law for its performance clear and ample.

Texas is a State, authorized to maintain her own laws, so far as they are not repugnant to the Constitution, laws, and treaties of the United States; to suppress insurrections against her authority; and to punish those who may commit treason against the State, according to the forms provided by her own constitution and her own laws.

But all this power is local, and confined entirely within the limits of Texas herself. She can possibly confer no authority which can be lawfully exercised beyond her own boundaries.

All this is plain, and hardly needs argument or elucidation. If Texas militia, therefore, march into any one of the other States, or into any Territory of the United States, there to execute or enforce any law of Texas, they become at that moment trespassers; they are no longer under the protection of any lawful authority, and are to be regarded merely as intruders; and if, within such State or Territory, they obstruct any law of the United States, either by power of arms or mere power of numbers, constituting such a combination as is too powerful to be suppressed by the civil authority, the President of the United States has no option left to him, but is bound to obey the solemn injunction of the Constitution, and exercise the high powers vested in him by that instrument and by the acts of Congress.

Or if any civil *posse*, armed or unarmed, enter into any Territory of the United States, under the protection of the laws thereof, with intent to seize individuals, to be carried elsewhere



for trial for alleged offenses, and this *posse* be too powerful to be resisted by the local civil authorities, such seizure or attempt to seize is to be prevented or resisted by the authority of the United States.

The grave and important question now arises, whether there be in the Territory of New Mexico any existing law of the United States, opposition to which, or the obstruction of which, would constitute a case calling for the interposition of the authority vested in the President.

The Constitution of the United States declares that "this Constitution, and the laws of the United States which shall be made in pursuance thereof, and all the treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land." If, therefore, New Mexico be a Territory of the United States, and if any treaty stipulation be in force therein, such treaty stipulation is the supreme law of the land, and is to be maintained and upheld accordingly.

In the letter to the Governor of Texas, my reasons are given for believing that New Mexico is now a Territory of the United States, with the same extent and the same boundaries which belonged to it while in the actual possession of the Republic of Mexico, and before the late war. In the early part of that war, both California and New Mexico were conquered by the arms of the United States, and were in the military possession of the United States at the date of the treaty of peace.

By that treaty, the title by conquest was confirmed, and these territories, provinces, or departments, separated from Mexico forever; and by the same treaty, certain important rights and securities were solemnly guaranteed to the inhabitants residing therein. . . .

It is plain, therefore, on the face of these treaty stipulations, that all Mexicans established in territories north or east of the line of demarkation already mentioned come within the protection of the 9th article; and that the treaty, being a part of the supreme law of the land, does extend over all such Mexicans, and assures to them perfect security in the free enjoyment of their liberty and property, as well as in the free exercise of their religion; and this supreme law of the land, being thus in actual force over this Territory, is to be maintained until it shall be



displaced or superseded by other legal provisions; and if it be obstructed or resisted by combinations too powerful to be suppressed by the civil authority, the case is one which comes within the provisions of law, and which obliges the President to enforce those provisions. Neither the Constitution nor the laws, nor my duty, nor my oath of office, leaves me any alternative or any choice in my mode of action.

The Executive Government of the United States has no power or authority to determine what was the true line of boundary between Mexico and the United States before the treaty of Guadalupe Hidalgo; nor has it any such power now, since the question has become a question between the State of Texas and the United States. So far as this boundary is doubtful, that doubt can only be removed by some act of Congress, to which the assent of the State of Texas may be necessary, or by some appropriate mode of legal adjudication; but, in the meantime, if disturbances or collisions arise or should be threatened, it is absolutely incumbent on the Executive Government, however painful the duty, to take care that the laws be faithfully maintained; and he can regard only the actual state of things as it existed at the date of the treaty, and is bound to protect all inhabitants who were then established, and who now remain north and east of the line of demarkation, in the full enjoyment of their liberty and property according to the provisions of the 9th article of the treaty; in other words, all must be now regarded as New Mexico which was possessed and occupied as New Mexico by citizens of Mexico at the date of the treaty, until a definite line of boundary shall be established by competent authority.

This assertion of duty to protect the people of New Mexico from threatened violence, or from seizure to be carried into Texas for trial for alleged offenses against Texan laws, does not at all include any claim of power on the part of the Executive to establish any civil or military government within that Territory. *That power* belongs exclusively to the legislative department, and Congress is the sole judge of the time and manner of creating or authorizing any such government.

The duty of the Executive extends only to the execution of laws and the maintenance of treaties already in force, and

the protection of all the people of the United States in the enjoyment of the rights which those treaties and laws guarantee.

It is exceedingly desirable that no occasion should arise for the exercise of the powers thus vested in the President by the Constitution and the laws. With whatever mildness those powers might be executed, or however clear the case of necessity, yet consequences might nevertheless follow, of which no human sagacity can foresee either the evils or the end.

Having thus laid before Congress the communication of his excellency, the Governor of Texas, and the answer thereto, and having made such observations as I have thought the occasion called for respecting Constitutional obligations which may arise in the further progress of things, and may devolve on me to be performed, I hope I shall not be regarded as stepping aside from the line of my duty, notwithstanding that I am aware that the subject is now before both Houses, if I express my deep and earnest conviction of the importance of an immediate decision or arrangement or settlement of the question of boundary between Texas and the Territory of New Mexico. All considerations of justice, general expediency, and domestic tranquillity call for this. It seems to be, in its character and by position, the first, or one of the first, of the questions growing out of the acquisition of California and New Mexico, and now requiring decision.

No government can be established for New Mexico, either State or Territorial, until it shall be first ascertained what New Mexico is, and what are her limits and boundaries. These can not be fixed or known till the line of division between her and Texas shall be ascertained and established; and numerous and weighty reasons conspire, in my judgment, to show that this divisional line should be established by Congress, with the assent of the government of Texas. In the first place, this seems by far the most prompt mode of proceeding by which the end can be accomplished. If judicial proceedings were resorted to, such proceedings would necessarily be slow, and years would pass by, in all probability, before the controversy could be ended. So great a delay in this case is to be avoided, if possible. Such delay would be every way inconvenient, and might be the occasion of disturbances and

collisions. For the same reason I would, with the utmost deference to the wisdom of Congress, express a doubt of the expediency of the appointment of commissioners, and of an examination, estimate, and an award of indemnity to be made by them. This would be but a species of arbitration which might last as long as a suit at law.

So far as I am able to comprehend the case, the general facts are now all known, and Congress is as capable of deciding on it justly and properly now as it probably would be after the report of the commissioners. If the claim of title on the part of Texas appears to Congress to be well founded in whole or in part, it is in the competency of Congress to offer her an indemnity for the surrender of that claim. In a case like this, surrounded as it is by many cogent considerations, all calling for amicable adjustment and immediate settlement, the Government of the United States would be justified, in my opinion, in allowing an indemnity to Texas, not unreasonable or extravagant, but fair, liberal, and awarded in a just spirit of accommodation.

I think no event would be hailed with more gratification by the people of the United States than the amicable adjustment of questions of difficulty which have now for a long time agitated the country, and occupied, to the exclusion of other subjects, the time and attention of Congress.

## CHAPTER IX.

SLAVERY IN CONGRESS—COMPROMISES—THE FUGITIVE  
SLAVE LAW OF 1850—THE “IMPENDING  
CRISIS.”

A CRISIS was now approaching in public affairs, and the responsibility of giving it a satisfactory turn rested with Congress. Public sentiment was deeply inflamed; it was quite apparent the President was anxious to sanction any fair and honorable plan of adjustment, and in any event was equal to the emergency; and the demand for immediate action on the part of Congress could not be ignored. Accordingly a bill was passed in the Senate, on the 9th of August, for settling the boundary between Texas and Mexico. After a struggle in the House this bill, combined with the one to organize the territorial government of New Mexico, became a law on the 9th of September.

On the 13th of August the bill for the admission of California, after many fruitless attempts to amend it, was passed in the Senate by a vote of thirty-four to eighteen. This result was followed by a strange performance on the part of ten Senators who had opposed the bill. This was the presentation of the following protest:—

“We, the undersigned Senators, deeply impressed with the importance of the occasion, and with a solemn sense of

the responsibility under which we are acting, respectfully submit the following protest against the bill admitting California as a State into this Union, and request that it may be entered upon the journal of the Senate. We feel that it is not enough to have resisted in debate alone a bill so fraught with mischief to the Union and the States which we represent with all the resources of argument which we possessed; but that it is also due to ourselves, the people whose interests have been intrusted to our care, and to posterity, which even in its most distant generations may feel its consequences, to leave, in whatever form may be most solemn and enduring, a memorial of the opposition which we have made to this measure, and of the reasons by which we have been governed, upon the pages of a journal which the Constitution requires to be kept so long as the Senate may have an existence. We desire to place on record the reasons upon which we are willing to be judged by generations living and yet to come for our opposition to a bill whose consequences may be so durable and portentous as to make it an object of deep interest to all who may come after us.

“We have dissented from this bill because it gives the sanction of law, and thus imparts validity, to the unauthorized action of a portion of the inhabitants of California, by which an odious discrimination is made against the property of the fifteen slaveholding States of the Union, who are thus deprived of that position of equality which the Constitution so manifestly designs, and which constitutes the only sure and stable foundation on which this Union can repose.

“Because the right of the slaveholding States to a common and equal enjoyment of the territory of the Union has been defeated by a system of measures which, without the authority of precedent, of law, or of the Constitution, were manifestly contrived for that purpose, and which Congress must sanction and adopt, should this bill become a law.



“Because to vote for a bill passed under such circumstances would be to agree to a principle which may exclude forever hereafter, as it does now, the States which we represent from all enjoyment of the common territory of the Union—a principle which destroys the equal rights of their constituents, the equality of their States in the Confederacy, the equal dignity of those whom they represent as men and as citizens in the eye of the law, and their equal title to the protection of the Government and the Constitution.

“Because all the propositions have been rejected which have been made to obtain either a recognition of the rights of the slaveholding States to a common enjoyment of all the territory of the United States, or to a fair division of that territory between the slaveholding and non-slaveholding States of the Union—every effort having failed which has been made to obtain a fair division of the territory proposed to be brought in as the State of California.

“But, lastly, we dissent from this bill, and solemnly protest against its passage, because, in sanctioning measures so contrary to former precedent, to obvious policy, to the spirit and intent of the Constitution of the United States, for the purpose of excluding the slaveholding States from the territory thus to be erected into a State, this Government in effect declares that the exclusion of slavery from the territory of the United States is an object so high and important as to justify a disregard not only of all the principles of sound policy, but also of the Constitution itself. Against this conclusion we must now and forever protest, as it is destructive of the safety and liberties of those whose rights have been committed to our care, fatal to the peace and equality of the States which we represent, and must lead, if persisted in, to the dissolution of that confederacy in which the slaveholding States have never sought more than equality, and in which they will not be content to remain with less.”

This unheard-of protest was signed by Jefferson Davis, Pierre Soulé, James M. Mason, and Robert M. T. Hunter; Barnwell and Butler, of South Carolina; H. L. Turney, of Tennessee; David L. Yulee and Jackson Morton, of Florida; and David R. Atchison, of Missouri. Robert C. Winthrop, who had taken the place of Mr. Webster in the Senate, said, in speaking of the action of these Senators:—

“Sir, does my honorable friend from Virginia (Mr. Hunter) know that there is but one parliamentary body in the world—so far as my own knowledge, certainly, goes—which acknowledges an inherent right in its members to enter their protests upon the journals? That body is the British House of Lords. It is the privilege of every peer, as I understand it, to enter upon the journals his protest against any measure which may have been passed contrary to his own individual views or wishes. But what has been the practice in our own country? You, yourself, Mr. President, have read to us an authority upon this subject. It seems that in the earliest days of our history, when there may have been something more of a disposition than I hope prevails among us now to copy the precedents of the British government, a rule was introduced into this body for the purpose of securing to the Senators of the several States this privilege, which belongs to the peers of the British Parliament. That proposition was negatived. I know not by what majority, for you did not read the record. I know not by whose votes; but that rule was rejected. It was thus declared, in the early days of our history, that this body should not be assimilated to the British House of Lords in this respect, however it may be in any other; and that individual Senators should not be allowed this

privilege, which belongs to British peers, of spreading upon the journals the reasons which may have influenced their votes."

Mr. Benton, with great spirit and emotion, spoke at length against the admission of the protest. In the course of his remarks are found these words:—

"All of these sectional movements are based upon the hypothesis that, if a certain state of things is continued, there is to be a dissolution of the Union. The Wilmot Proviso, to be sure, is now dropped, or is not referred to in the protest. That cause of dissolution is dead; but the California Bill comes in its place, and the system of measures of which it is said to be a part. Of these, the admission of California is now made the prominent, the salient point in that whole system, which hypothetically it is assumed may lead to a dissolution of the Union. Sir, I can not help looking upon this protest as belonging to the series of novelties to which I have referred. I can not help considering it as part of a system—as a link in a chain of measures all looking to one result, hypothetically, to be sure, but all still looking to the same result—that of a dissolution of the Union. It is afflicting enough to witness such things out of doors; but to enter a solemn protest on our journals looking to the contingent dissolution of the Union, and that for our own acts—for the acts of a majority; to call upon us of the majority to receive our own indictment, and enter it, without answer, upon our own journals—is certainly going beyond all the other signs of the times, and taking a most alarming step in the progress which seems to be making in leading to a dreadful catastrophe. 'Dissolution' to be entered on our journal! What would our ancestors have thought of it? The paper contains an enumeration of what it characterizes as unconstitutional, unjust, and oppressive conduct on the part of Congress against the South, which, if persisted

in, must lead to a dissolution of the Union, and names the admission of California as one of the worst of these measures. I can not consent to place that paper on our journals. I protest against it; protest in the name of my constituents. I have made a stand against it. It took me by surprise; but my spirit rose and fought. I deem it my sacred duty to resist it—to resist the entrance upon our journal of a paper hypothetically justifying disunion. If defeated, and the paper goes on the journal, I still wish the present age and posterity to see that it was not without a struggle; not without a stand against the portentous measure—a stand which should mark one of those eras in the history of nations from which calamitous events flow.”

The protest was, of course rejected, as was also every attempt to prevent the two California Senators (one of whom was John Charles Fremont) from taking their seats.

On the 23d of August the Fugitive Slave Bill was passed in the Senate, and not long afterwards the bill for preventing traffic in slaves in the District of Columbia. President Fillmore signed all these bills, and thus were passed in separate laws all the features of Mr. Clay's Compromise Measures. This result, to some extent, quieted public agitation, and for the time lifted the “impending crisis” in national affairs. Extreme men in the South were still loud and open in their demands for disunion; and in the North there was great dissatisfaction with the Fugitive Slave Law. The Free-soil party now increased rapidly, chiefly at the expense of the Whigs. At a public meeting in Boston it was resolved that no fugitive



from slavery should be surrendered in Massachusetts. Mr. Fillmore and his Cabinet were deeply censured as being the abettors and supporters of the odious law, and, indeed, the whole Whig party was accused of being pro-slavery. This great Congressional conflict took much of the vitality from the Whig party, and its disintegration now became certain. New issues were arising which did not belong to any of the organized parties; the intolerant demands of slavery and the aggressions of Abolitionism were preparing the way certainly for the inevitable conflict between freedom and slavery.

The following are the various compromise measures which became laws at this time by the sanction of President Fillmore:—

#### FUGITIVE SLAVE LAW OF 1850.

AN ACT to amend, and supplementary to, the Act entitled, "An Act respecting Fugitives from Justice, and persons escaping from the Service of their Masters," and approved February 12, 1793.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the persons who have been, or may hereafter be, appointed Commissioners, in virtue of any Act of Congress, by the Circuit Courts of the United States, and who, in consequence of such appointment, are authorized to exercise the powers that any justice of the peace, or other magistrate of any of the United States, may exercise in respect to offenders for any crime or offense against the United States, by arresting, imprisoning, or bailing the same, under, and by virtue of, the thirty-third section of the act of the twenty-fourth of September, seventeen hundred and eighty-nine, entitled, "An Act to establish the judicial courts of the United States," shall be, and are hereby, authorized and required to exercise and discharge all the powers and duties conferred by this Act.



SEC. 2. That the Superior Court of each organized Territory of the United States shall have the same power to appoint Commissioners to take acknowledgments of bail and affidavits, and to take depositions of witnesses in civil causes, which is now possessed by the Circuit Court of the United States; and all Commissioners who shall hereafter be appointed for such purposes by the Superior Court of any organized Territory of the United States shall possess all the powers, and exercise all the duties, conferred by law upon the Commissioners appointed by the Circuit Courts of the United States for similar purposes, and shall moreover exercise and discharge all the powers and duties conferred by this Act.

SEC. 3. That the Circuit Courts of the United States, and the Superior Courts of each organized Territory of the United States, shall, from time to time, enlarge the number of Commissioners with a view to afford reasonable facilities to reclaim fugitives from labor, and to the prompt discharge of the duties imposed by this Act.

SEC. 4. That the Commissioners above named shall have concurrent jurisdiction with the Judges of the Circuit and District Courts of the United States, in their respective circuits and districts within the several States, and the Judges of the Superior Courts of the Territories severally and collectively, in term time and vacation; and shall grant certificates to such claimants, upon satisfactory proof being made, with authority to take and remove such fugitives from service or labor, under the restrictions herein contained, to the State or Territory from which such person may have escaped or fled.

SEC. 5. That it shall be the duty of all marshals and deputy marshals to obey and execute all warrants and precepts issued under the provisions of this act when to them directed; and should any marshal or deputy marshal refuse to receive such warrant, or other process, when tendered, or to use all proper means diligently to execute the same, he shall, on conviction thereof, be fined in the sum of one thousand dollars, to the use of such claimant, on the motion of such claimant, by the Circuit or District Court for the district of such marshal; and after the arrest of such fugitive by such marshal or his deputy, or while at any time in his custody, under the provisions of

this act, should such fugitive escape, whether with or without the assent of such marshal or his deputy, such marshal shall be liable, on his official bond, to be prosecuted, for the benefit of such claimant, for the full value of the service or labor of said fugitive in the State, Territory, or district whence he escaped; and, the better to enable said Commissioners, when thus appointed, to execute their duties faithfully and efficiently, in conformity with the requirements of the Constitution of the United States, and of this Act, they are hereby authorized and empowered, within their counties respectively, to appoint, in writing under their hands, any one or more suitable persons, from time to time, to execute all such warrants and other process as may be issued by them in the lawful performance of their respective duties; with authority to such Commissioners, or the persons to be appointed by them, to execute process as aforesaid, to summon and call to their aid the bystanders, or *posse comitatus* of the proper county, when necessary to insure a faithful observance of the clause of the Constitution referred to, in conformity with the provisions of this Act; and all good citizens are commanded to aid and assist in the prompt and efficient execution of this law whenever their services may be required, as aforesaid, for that purpose; and said warrants shall run, and be executed by said officers, anywhere in the State within which they are issued.

SEC. 6. That when a person held to service or labor in any State or Territory of the United States has heretofore or shall hereafter escape into another State or Territory of the United States, the person or persons to whom such service or labor may be due, or his, her, or their agent or attorney, duly authorized by power of attorney in writing acknowledged and certified under the seal of some legal officer or Court of the State or Territory in which the same may be executed, may pursue and reclaim such fugitive person, either by procuring a warrant from some one of the Courts, Judges, or Commissioners aforesaid, of the proper circuit, district, or county, for the apprehension of such fugitive from service or labor, or by seizing and arresting such fugitive where the same can be done without process, and by taking or causing such person to be taken forthwith before such Court, Judge, or Commissioner, whose duty

it shall be to hear and determine the case of such claimant in a summary manner; and, upon satisfactory proof being made, by deposition or affidavit in writing, to be taken and certified by such Court, Judge, or Commissioner, or by other satisfactory testimony, duly taken and certified by some Court, Magistrate, Justice of the Peace, or other legal officer authorized to administer an oath and take depositions under the laws of the State or Territory from which such person owing service or labor may have escaped, with a certificate of such magistracy, or other authority as aforesaid, with the seal of the proper Court or officer thereto attached, which seal shall be sufficient to establish the competency of the proof, and with proof, also by affidavit, of the identity of the person whose service or labor is claimed to be due as aforesaid, that the person so arrested does in fact owe service or labor to the person or persons claiming him or her, in the State or Territory from which such fugitive may have escaped as aforesaid, and that said person escaped, to make out and deliver to said claimant, his or her agent or attorney, a certificate setting forth the substantial facts as to the service or labor due from such fugitive to the claimant, and of his or her escape from the State or Territory in which such service or labor was due to the State or Territory in which he or she was arrested, with authority to such claimant, or his or her agent or attorney, to use such reasonable force and restraint as may be necessary, under the circumstances of the case, to take and remove such fugitive person back to the State or Territory whence he or she may have escaped as aforesaid. In no trial or hearing under this Act shall the testimony of such alleged fugitive be admitted in evidence; and the certificates in this and the first [fourth] section mentioned shall be conclusive of the right of the person or persons in whose favor granted to remove such fugitive to the State or Territory from which he escaped, and shall prevent all molestation of such person or persons by any process issued by any Court, Judge, Magistrate, or other person whomsoever.

SEC. 7. That any person who shall knowingly and willingly abstract, hinder, or prevent such claimant, his agent or attorney, or any person or persons lawfully assisting him, her, or them, from arresting such a fugitive from service or labor, either with or without process as aforesaid, or shall rescue or

attempt to rescue such fugitive from service or labor from the custody of such claimant, his or her agent or attorney, or other person or persons lawfully assisting as aforesaid, when so arrested pursuant to the authority herein given and declared, or shall aid, abet, or assist such person so owing service or labor as aforesaid, directly or indirectly, to escape from such claimant, his agent or attorney, or other person or persons legally authorized as aforesaid; or shall harbor or conceal such fugitive so as to prevent the discovery and arrest of such person, after notice or knowledge of the fact that such person was a fugitive from service or labor as aforesaid, shall, for either of said offenses, be subject to a fine not exceeding one thousand dollars, and imprisonment not exceeding six months, by indictment and conviction before the District Court of the United States for the district in which such offense may have been committed, or before the proper court of criminal jurisdiction, if committed within any one of the organized Territories of the United States, and shall, moreover, forfeit and pay, by way of civil damages to the party injured by such illegal conduct, the sum of one thousand dollars for each fugitive so lost as aforesaid, to be recovered by action of debt in any of the District or Territorial Courts aforesaid, within whose jurisdiction the said offense may have been committed.

SEC. 8. That the marshals, their deputies, and the clerks of the said District and Territorial Courts shall be paid for their services the like fees as may be allowed to them for similar services in other cases; and where such services are rendered exclusively in the arrest, custody, and delivery of the fugitive to the claimant, his or her agent or attorney, or where such supposed fugitive may be discharged out of custody for the want of sufficient proof as aforesaid, then such fees are to be paid in the whole by such claimant, his agent, or attorney; and, in all cases where the proceedings are before a commissioner, he shall be entitled to a fee of ten dollars in full for his services in each case, upon the delivery of the said certificate to the claimant, his or her agent or attorney; or a fee of five dollars in cases where the proof shall not, in the opinion of such commissioner, warrant such certificate and delivery,



inclusive of all services incident to such arrest and examination, to be paid in either case by the claimant, his or her agent or attorney. The person or persons authorized to execute the process to be issued by such commissioner for the arrest and detention of fugitives from service or labor as aforesaid shall also be entitled to a fee of five dollars each for each person he or they may arrest and take before any such commissioner, as aforesaid, at the instance and request of such claimant, with such other fees as may be deemed reasonable by such commissioners for such other additional services as may be necessarily performed by him or them, such as attending at the examination, keeping the fugitive in custody, providing him with food and lodging during his detention, and until the final determination of such commissioner; and, in general, for performing such other duties as may be required by such claimant, his or her attorney or agent, or commissioner in the premises. Such fees to be made up in conformity with the fees usually charged by the officers of the courts of justice within the proper district or county, as near as may be practicable, and paid by such claimants, their agents, or attorneys, whether such supposed fugitives from service or labor be ordered to be delivered to such claimants by the final determination of such commissioner or not.

SEC. 9. That, upon affidavit made by the claimant of such fugitive, his agent, or attorney, after such certificate has been issued, that he has reason to apprehend that such fugitive will be rescued by force from his or her possession before he can be taken beyond the limits of the State in which the arrest is made, it shall be the duty of the officer making the arrest to retain such fugitive in his custody, and to remove him to the State whence he fled, and there to deliver him to said claimant, his agent, or attorney. And, to this end, the officer aforesaid is hereby authorized and required to employ so many persons as he may deem necessary to overcome such force, and to retain them in his service so long as circumstances may require. The said officer and his assistants, while so employed, to receive the same compensation, and to be allowed the same expenses, as are now allowed by law for transportation of criminals, to be certified by the Judge of the district within



which the arrest is made, and paid out of the treasury of the United States.

SEC. 10. That when any person held to service or labor in any State or Territory, or in the District of Columbia, shall escape therefrom, the party to whom such service or labor may be due, his, her, or their agent or attorney, may apply to any Court of Record therein, or Judge thereof in vacation, and make satisfactory proof to such Court, or Judge in vacation, of the escape aforesaid, and that the person escaping owed service or labor to such party. Whereupon the Court shall cause a record to be made of the matters so proved, and also a general description of the person so escaping, with such convenient certainty as may be; and a transcript of such record authenticated by the attestation of the clerk and of the seal of the said Court, being produced in any other State, Territory, or district in which the person so escaping may be found, and, being exhibited to any Judge, Commissioner, or other officer authorized by the law of the United States to cause persons escaping from service or labor to be delivered up, shall be held and taken to be full and conclusive evidence of the fact of the escape, and that the service or labor of the person escaping is due to the party in such record mentioned. And upon the production by the said party of other and further evidence, if necessary, either oral or by affidavit, in addition to what is contained in the said record of the identity of the person escaping, he or she shall be delivered up to the claimant. And the said Court, Commissioner, Judge, or other person authorized by this act to grant certificates to claimants of fugitives shall, upon the production of the record and other evidences aforesaid, grant to such claimant a certificate of his right to take any such person identified and proved to be owing service or labor as aforesaid, which shall authorize such claimant to seize or arrest and transport such person to the State or Territory from which he escaped: *Provided*, That nothing herein contained shall be construed as requiring the production of a transcript of such record as evidence as aforesaid. But, in its absence, the claim shall be heard and determined upon other satisfactory proofs competent in law.

APPROVED September 18, 1850.

On the 4th of January, 1850, ten days after the end of the great contest for Speaker of the House, looking to an amicable adjustment of the impending slavery difficulties, General Sam Houston submitted these propositions in the Senate:—

“WHEREAS, The Congress of the United States, possessing only a delegated authority, have no power over the subject of negro slavery within the limits of the United States, either to prohibit or interfere with it in the States, Territories, or District where, by municipal law, it now exists, or to establish it in any State or Territory where it does not exist; but, as an assurance and guarantee to promote harmony, quiet apprehension, and remove sectional prejudice, which, by possibility, might impair or weaken love and devotion to the Union in any part of the country, it is hereby

“*Resolved*, That, as the people in Territories have the same inherent rights of self-government as the people in the States, if in the exercise of such inherent rights the people in the newly acquired Territories, by the annexation of Texas and the acquisition of California and New Mexico south of the parallel of thirty-six degrees and thirty minutes of north latitude, extending to the Pacific Ocean, shall establish negro slavery in the formation of their State governments, it shall be deemed no objection to their admission as a State or States into the Union, in accordance with the Constitution of the United States.”

A few days later (January 21st) President Taylor communicated to the House the fact that he had advised the people of California and New Mexico to form State constitutions. And on the 29th of January Henry Clay submitted these eight propositions

to the Senate, which were made a special order and printed:—

“1. *Resolved*, That California, with suitable boundaries, ought, upon her application, to be admitted as one of the States of this Union, without the imposition by Congress of any restriction in respect to the exclusion or introduction of slavery within those boundaries.

“2. *Resolved*, That as slavery does not exist by law, and is not likely to be introduced into any of the territory acquired by the United States from the Republic of Mexico, it is inexpedient for Congress to provide by law either for its introduction into, or exclusion from, any part of the said territory; and that appropriate territorial governments ought to be established by Congress in all the said territory not assigned as within the boundaries of the proposed State of California without the adoption of any restriction or condition on the subject of slavery.

“5. *Resolved*, That it is inexpedient to abolish slavery in the District of Columbia whilst that institution continues to exist in the State of Maryland, without the consent of that State, without the consent of the people of the District, and without just compensation to the owners of slaves within the District. But,

“6. *Resolved*, That it is expedient to prohibit, within the District, the slave-trade in slaves brought into it from States or places beyond the limits of the District, either to be sold therein as merchandise, or to be transported to other markets without the District of Columbia.

“7. *Resolved*, That more effectual provision ought to be made by law, according to the requirement of the Constitution, for the restitution and delivery of persons bound to service or labor in any State, who may escape into any other State or Territory in the Union. And,

“8. *Resolved*, That Congress has no power to prohibit or obstruct the trade in slaves between the slaveholding

States; but that the admission or exclusion of slaves brought from one into another of them depends exclusively upon their own particular laws."

On the 28th of February, 1850, John Bell, of Tennessee, also submitted to the Senate a series of propositions bearing on the same subjects. A long, hot discussion had now been going on for weeks. And on the 25th of March Mr. Douglas, of the Committee on Territories, reported to the Senate two bills, one for the admission of California (that Territory having presented a Free-State Constitution), and one to establish the territorial governments of Utah and New Mexico. The discussion continued on the propositions of Henry Clay and Mr. Bell until finally, on the 15th of April, Henry S. Foote, of Mississippi, made a motion, which was accepted, for submitting the propositions of Clay and Bell to a select committee, to be composed of thirteen members. On the 19th the Senate selected, by ballot, the following persons to compose the committee: Henry Clay to be chairman, Dickinson, Phelps, Bell, Cass, Webster, Berrien, Cooper, King, Downs, Mangum, Mason, and Bright.

Mr. Clay now withdrew for a few days to write the report of the committee; and, at last, on the 8th of May, presented an elaborate report, with the following program or heads, always known as his "Omnibus Bill," for the action of the Senate:—

"1. The admission of any new State or States formed out of Texas to be postponed until they shall hereafter present themselves to be received into the Union, when

it will be the duty of Congress fairly and faithfully to execute the compact with Texas by admitting such new State or States.

“2. The admission forthwith of California into the Union, with the boundaries which she has proposed.

“3. The establishment of territorial governments, without the Wilmot Proviso, for New Mexico and Utah, embracing all the territory recently acquired by the United States from Mexico not contained in the boundaries of California.

“4. The combination of these two last-mentioned measures in the same bill.

“5. The establishment of the western and northern boundaries of Texas, and the exclusion from her jurisdiction of all New Mexico, with the grant to Texas of a pecuniary equivalent; and the section for that purpose to be incorporated in the bill admitting California and establishing territorial governments for Utah and New Mexico.

“6. More effectual enactments of law to secure the prompt delivery of persons bound to service or labor in one State, under the laws thereof, who escape into another State; and,

“7. Abstaining from abolishing slavery; but, under a heavy penalty, prohibiting the slave-trade in the District of Columbia.”

The Senate now proceeded to discuss the “Omnibus Bill,” step by step, until the death of President Taylor temporarily suspended its work. On the 17th of July the consideration of the “Omnibus Bill” was again resumed, and continued until all the propositions of Mr. Clay were passed, but two of them in one bill, and the others in separate bills. And on the 9th of September, 1850, President Fillmore approved the acts for admitting California,



fixing the Texas boundary, organizing New Mexico, and for organizing Utah; all of these, including the Fugitive Slave Law, constituting the celebrated Compromises of 1850.

During the heated partisan discussions in Congress, in the spring of 1852, Mr. Jos. W. Jackson, of Georgia, on the 5th of April, offered the following resolution in the House:—

*“Resolved, That we recognize the binding efficacy of the compromises of the Constitution; and we believe it to be the determination of the people generally, as we hereby declare it to be ours individually, to abide by such compromises, and to sustain the laws necessary to carry them out—the provision for the delivery of fugitive slaves, and the act of the last Congress for that purpose, included; and that we deprecate all further agitation of the questions growing out of that act of the last Congress, known as the Compromise Act, and of questions generally connected with the institution of slavery, as useless and dangerous.”*

Mr. Junius Hillyer, of Georgia, offered the following addition to this resolution:—

*“Resolved, That the series of acts passed during the first session of the Thirty-First Congress, known as Compromises, are regarded as a final adjustment and a permanent settlement of the questions therein embraced, and should be maintained and executed as such.”*

This was a direct proposition from the Southern side, and the vote on Mr. Hillyer's resolution stood: Ayes, 103; noes, 74. Mr. Jackson's resolution was then adopted by a vote of 101 to 64, the yeas being 39 Southern and 35 Northern Democrats, and

20 Southern and 7 Northern Whigs; and the nays being 21 Northern and 10 Southern Democrats, and 29 Northern and 1 Southern Whig and 3 Free-soilers.

Not until the last of September did this session of Congress, beginning in December, 1849, close. Members returned to their constituents, but not to pacify the general discontent. Nor was the short vacation one of perfect quiet to the President. He was well aware that the course he had felt it his duty to pursue had divided him from many of his friends, and had at least broken the general confidence the Whigs of the North had reposed in him when he entered the Presidential office. He had been known in New York especially as anti-slavery in his sentiments; and even at the time of accepting the nomination for the Vice-Presidency, in 1848, he had been restrained by more politic friends from the unnecessary revelation of his strong sentiments and opinions against slavery. But he had now signed the Fugitive Slave Law, and it appeared certain that he was going to carry out the provisions of that law so far as it was incumbent upon him to do so. And why not that as well as other laws of the land?

## CHAPTER X.

THE CONSTITUTION AND THE FUGITIVE SLAVE LAW—A  
REVIEW—MR. FILLMORE SUSTAINED—THE NORTH  
AND THE SOUTH—THE QUESTION OF  
RESPONSIBILITY.

THE fourth article of the Constitution of the United States makes provision for the pursuit, capture, and return of slaves, fugitives from service in other States. This provision of the Constitution had been set forth in the "Ordinance of 1787" under the Continental Congress for organizing the Northwestern Territory. In that ordinance it was also provided that slavery should forever be prohibited from that Territory. Between the friends of slavery and the Free-soilers of that day there was no contest. The question of slavery was mainly a matter of friendly adjustment and accommodation between the section where slavery did not exist, and could not flourish, and the Southern States and territory where it did exist, and where it was held to be desirable to continue it.

The ordinance shutting slavery from the Northwestern Territory had with it the accommodating provision for the return of fugitives from service. With this arrangement the legislation was unanimous, although in the southern part of this Territory slave-

holders did for a time contend for what they claimed as a right to carry slave labor. The provision in the Constitution, about the same time, for the rendition of slaves flying to freedom in non-slaveholding territory, was a unanimous provision. The necessities of that day, the necessities for a government, were paramount, and slavery was not a matter of unfriendly conflict. There was indeed no great divergence in the sentiments of public men throughout the original States on the subject. Both Abolitionism and slave aggression and domination were gradual growths of after times.

In the winter of 1792, or the spring of 1793, Congress passed an act, at the suggestion of President Washington, for making the provision in the Constitution for the return of fugitive slaves effective. The following is the part of the act of 1793 referring to fugitive slaves :—

“That when a person held to labor in any of the United States, or in either of the Territories on the northwest or south of Ohio, under the laws thereof, shall escape into any other of said States or Territories, the person to whom such labor is due, his agent or attorney, is hereby empowered to seize or arrest such fugitive from labor, and to take him or her before any Judge of the Circuit or District Courts of the United States, residing or being within the State, or before any Magistrate of a county, city, or town corporate, wherein such seizure or arrest shall be made, and upon proof to the satisfaction of such Judge or Magistrate, either by oral testimony, or affidavit taken before and certified by a Magistrate of any such State or Territory, that the person so seized and arrested, doth, under the laws of the State or Territory from which he

or she fled, owe service to the person claiming him or her, it shall be the duty of such Judge or Magistrate to give a certificate thereof to such claimant, his agent or attorney, which shall be sufficient warrant for removing the said fugitive from labor to the State or Territory from which he or she fled."

This act was, of course, the interpretation then put upon the second section of the fourth article of the Constitution. In the Senate there was no division, it seems, on this act, and in the House but seven votes were recorded against it, there being no division of the parts of the bill, or no distinction in voting on the part providing for fugitives from justice and those from servitude. The penal section to this act of 1793 reads as follows:—

"That any person who shall knowingly and willfully obstruct or hinder such claimant, his agent or attorney, in so seizing or arresting such fugitive from labor, or shall rescue such fugitive from such claimant, his agent or attorney, when so arrested pursuant to the authority herein given or declared; or shall harbor or conceal such person after notice that he or she was a fugitive from labor as aforesaid, shall, for either of the said offenses, forfeit and pay the sum of five hundred dollars. Which penalty may be recovered by and for the benefit of such claimant, by action of debt in any court proper to try the same, saving moreover to the person claiming such labor or service his right of action for or on account of the said injuries, or either of them."

The States took up the matter in the spirit of Congress, and the State and United States Courts gave their decisions in favor of sustaining the law,



and much liberality was everywhere displayed on the subject. Under this act affairs were conducted amicably in the main between the States until after the slave agitation began in 1835. Pennsylvania did not negative her former course in this matter until the spring of 1847, and not then till Mr. Calhoun had brought into Congress his slavery resolutions of that year. This State had acted very liberally and openly about the return of slaves; but now she refused the aid of her officers and courts, the use of her jails, and in every way rejected all overtures for the protection of the right of ownership in people escaping to her borders from servitude. Other States had, up to the beginning of the slavery agitation, been equally liberal, some of them more so than Pennsylvania, and all of them like that State, long before the birth of Mr. Clay's "Omnibus Bill," had ignored their former course, and ceased to give much heed to demands from the South, and some of them even fell to protecting and fostering runaways. As late as 1838 William H. Seward, then a candidate in opposition to William L. Marcy for Governor of New York, made the following statement in answer to questions from an anti-slavery organization of that State:—

"But, gentlemen, being desirous to be entirely candid in this communication, it is proper I should add that I am not convinced it would be either wise, expedient, or humane to declare to our fellow-citizens of the Southern and South-western States that if they travel to or from, or pass through the State of New York, they shall not bring with them the attendants whom custom, or educa-

tion, or habit, may have rendered necessary to them. I have not been able to discover any good object to be attained by such an act of inhospitality. It certainly can work no injury to us, nor can it be injurious to the unfortunate beings held in bondage, to permit them, once perhaps in their lives, and at most on occasions few and far between, to visit a country where slavery is unknown. I can even conceive of benefits to the great cause of human liberty from the cultivation of this intercourse with the South. I can imagine but one ground of objection, which is, that it may be regarded as an implication that this State sanctions slavery. If this objection were well grounded, I should at once condemn the law. But, in truth, the law does not imply any such sanction. The same statute which, in necessary obedience to the Constitution of the United States as expounded, declares the exception, condemns, in the most clear and definite terms, all human bondage. I will not press the considerations flowing from the nature of our Union, and the mutual concessions on which it was founded, against the propriety of such an exclusion as your question contemplates, apparently for the purpose only of avoiding an implication not founded in fact, and which the history of our State so nobly contradicts. It is sufficient to say that such an exclusion could have no good effect practically, and would accomplish nothing in the great cause of human liberty."

In 1839 a citizen of Maryland arrested a woman who had taken retreat from slavery in Pennsylvania, and being refused a hearing before a magistrate, carried her without ceremony to her master. This agent was subsequently arrested in Pennsylvania as a kidnaper, and convicted. His case was taken as a test to the Supreme Court of the United States and disposed of several years afterwards.

The following decision was finally reached by that court:—

“The provisions of the act of 12th of February, 1793, relative to fugitive slaves, is clearly Constitutional in all its leading provisions, and, indeed, with the exception of that part which confers authority on State magistrates, is free from reasonable doubt or difficulty. As to the authority so conferred on State magistrates, while a difference of opinion exists, and may exist on this point in different States, whether State magistrates are bound to act under it, none is entertained by the Court, that State magistrates may, if they choose, exercise that authority, unless forbid by State legislation. “The power of legislation in relation to fugitives from labor is exclusive in the National Legislature.” “The right to seize and retake fugitive slaves, and the duty to deliver them up, in whatever State of the Union they may be found, is under the Constitution recognized as an absolute, positive right and duty, pervading the whole Union with an equal and supreme force, uncontrolled and uncontrollable by State sovereignty or State legislation. The right and duty are coextensive and uniform in remedy and operation throughout the whole Union. The owner has the same exemption from State regulations and control, through however many States he may pass with the fugitive slaves in his possession *in transitu* to his domicile.” “The act of the Legislature of Pennsylvania, on which the indictment against Edward Prigg was founded, for carrying away a fugitive slave, is unconstitutional and void. It purports to punish as a public offense against the State, the very act of seizing and removing a slave by his master, which the Constitution of the United States was designed to justify and uphold.” “The Constitutionality of the act of Congress (1793), relating to fugitives from labor, has been affirmed by the adjudications of the State tribunals, and by those of the courts of the United States.”

Although the fact of the Constitution providing for the return of fugitive slaves could not be doubted, and both the State and Federal courts had reaffirmed the Constitutionality of the act of 1793 for the faithful execution of this provision, public sentiment in the North had undergone a change. The State courts refused to take cognizance of the question, and even the Federal courts were little disposed to touch the case. After 1843 efforts were made in Congress to render the law of 1793 as effective as it had been during the first thirty years of the Government, but these were not successful, and the result was that at the beginning of General Taylor's Administration the Constitutional provision for the rendition of fugitive slaves was not only inoperative, but the question was a source of great and almost constant irritation between the sections; one justly claiming that the Constitution provided for the return of slaves, and that the Northern States and people thwarted this organic law and the decisions of the courts; and the other, that the progress of events, the march of time, had rendered this provision nugatory and void, and that a higher law, the divine law of human liberty, took the precedence.

Mr. Seward had so far changed from his position in 1838 as to say, in 1848, in a speech at Cleveland:—

“The first principle of our duty as American citizens is to preserve the integrity of the Union. Without the Union there would be not only a want of harmony of action, but collisions and conflicts, ending in anarchy or probably in despotism. This Union must be a voluntary one, and not compulsory. A Union upheld by force would be despotism.

“The second principle of American citizenship is, that our democratic system must be preserved and perfected. That system is founded in the natural equality of *all* men; not alone all *American* men, nor alone all *white* men, but all MEN of every country, clime, and complexion are equal—not made equal by human laws, but born equal. It results from this that every man permanently residing in a community is a member of the State, obliged to submit to its rule, and therefore entitled equally with every other man to participate in its government. If it be a monarchy, he has a right to keep a musket to defend himself when the government becomes intolerable. If it be a democracy, where consent is substituted for force, he has a right to a ballot for the same purpose; and each should be placed in his hands (he being a resident) when he is able to speed the bullet or cast the ballot with discretion. Whatever institutions or laws we have existing among us which deny this principle are wrong, and ought to be corrected.

“A third principle of American citizenship is, that knowledge ought to be diffused, as well for the safety of the State as to promote the happiness of society.

“A fourth principle is, that our national resources, physical, moral, and intellectual, ought to be developed and applied to increase the public wealth, and enhance the convenience and comfort of the people.

“A fifth principle is, that peace and moderation are indispensable to the preservation of republican institutions.

“A sixth principle is, that slavery must be abolished.

“I think these are the principles of the Whigs of the Western Reserve of Ohio. I am not now to say for the first time that they are mine. I imbibed them from the philosophy of the American Revolution—

‘Soon as the charity of my native land  
Wrought in my bosom.’

. . . . .

“There are two antagonistical elements of society in America, freedom and slavery. Freedom is in harmony with our system of Government and with the spirit of the age, and is therefore passive and quiescent. Slavery is in conflict with



that system, with justice, and with humanity, and is therefore organized, defensive, active, and perpetually aggressive.

“Freedom insists on the emancipation and elevation of labor; slavery demands a soil moistened with tears and blood, freedom a soil that exults under the elastic tread of man in his native majesty.

“These elements divide and classify the American people into two parties. Each of these parties has its court and its scepter. The throne of the one is amid the rocks of the Alleghany Mountains; the throne of the other is reared on the sands of South Carolina. One of these parties, the party of slavery, regards disunion as among the means of defense, and not always the last to be employed; the other maintains the Union of the States, one and inseparable, now and forever, as the highest duty of the American people to themselves, to posterity, to mankind.

“The party of slavery upholds an aristocracy founded on the humiliation of labor, as necessary to the perfection of a chivalrous republic; the party of freedom maintains universal suffrage, which makes men equal before human laws, as they are in the sight of their common Creator.

“The party of slavery cherishes ignorance, because it is the only security for oppression; the party of liberty demands the diffusion of knowledge, because it is the only safeguard of republican institutions.

“The party of slavery patronizes labor which produces only exports to commercial nations abroad—tobacco, cotton, and sugar—and abhors the protection that draws grain from our native fields, lumber from our native forests, iron and coal from our native mines, and ingenuity, skill, and labor from the free minds and willing hands of our own people.

“The party of freedom favors only the productions of such minds and such hands, and seeks to build up our empire out of the redundant native materials with which our country is blest.

“The party of slavery leaves the mountain, ravine, and shoal to present all their natural obstacles to internal trade and free locomotion, because railroads, rivers, and canals are highways for the escape of bondsmen.

“The party of liberty would cover the country with rail-roads and canals to promote the happiness of the people, and bind them together with the indissoluble bonds of interest and affection.

“The party of slavery maintains its military defenses, and cultivates the martial spirit, for it knows not the day nor the hour when a standing army will not be necessary to suppress and extirpate the insurrectionary bondsmen.

“The party of freedom cherishes peace, because its sway is sustained by the consent of a happy and grateful people.

“The party of slavery fortifies itself by adding new slave-bound domain on fraudulent pretexts and with force.

“The party of freedom is content and moderate, seeking only a just enlargement of free territory.

“The party of slavery declares that institution necessary, beneficent, and approved of God, and therefore inviolable.

“The party of freedom seeks complete and universal emancipation. . . .

“Wherein do the strength and security of slavery lie? You answer that they lie in the Constitution of the United States, and the constitution and laws of all slaveholding States. Not at all. They lie in the erroneous sentiment of the American people. Constitutions and laws can no more rise above the virtue of the people than the limpid stream can climb above its native spring. Inculcate, then, the love of freedom and the equal rights of man under the paternal roof; see to it that they are taught in the schools and in the churches; reform your own code; extend a cordial welcome to the fugitive who lays his weary limbs at your door, and defend him as you would your paternal gods; correct your own error, that slavery has any Constitutional guarantee which may not be released, and ought not to be relinquished.

“Say to slavery, when it shows its bond and demands the pound of flesh, that if it draws one drop of blood its life shall pay the forfeit. Inculcate that free States can maintain the rights of hospitality and of humanity; that Executive authority can forbear to favor slavery; that Congress can debate; that Congress at least can mediate with the slaveholding States, that at least future generations might be bought and given up to

freedom, and that the treasures wasted in the war with Mexico would have been sufficient to have redeemed millions unborn from bondage. Do all this and inculcate all this in the spirit of moderation and benevolence, and not of retaliation and fanaticism, and you will soon bring the parties of the country into an effective aggression upon slavery. Whenever the public mind shall will the abolition of slavery, the way will open for it.

"I know that you will tell me that this is all too slow. Well, then, go faster, if you can, and I will go with you; but remember the instructive lesson that was taught in the words, 'These things ought ye to have done, and not to have left the others undone.' Remember that the Liberty Party tried the unattainable, overlooking the attainable, and now has compromised and surrendered the principle of immediate emancipation for a coalition to effect a practicable measure which can only be defeated by that coalition. Remember that no human work is done without preparation. God works out his sublimest purposes among men with preparation. There was a voice of one crying in the wilderness, 'Prepare ye the way,' before the Son of man could come. There was a John before a Jesus; there was a baptism of water before the baptism of the Holy Ghost and of fire."

And in his speech on the admission of California in the Senate, in 1850, Mr. Seward said:—

"While looking forward to that day, its countless generations seem to me to be rising up and passing in dim and shadowy review before us; and a voice comes forth from their serried ranks, saying: 'Waste your treasures and your armies, if you will; raze your fortifications to the ground; sink your navies into the sea; transmit to us even a dishonored name, if you must; but the soil you hold in trust for us—give it to us free. You found it free, and conquered it to extend a better and surer freedom over it. Whatever choice you have made for yourselves, let us have no partial freedom; let us all be free; let the reversion of your broad domain descend to us

unincumbered, and free from the calamities and from the sorrows of human bondage.’”

This was now the general drift of things on this inflammatory subject, even with men in the North who had but a few years ago been conciliatory and moderate in their public sentiments. It was evident that the people of the North were not disposed any more to carry out the law of 1793, or further regard as binding the Constitutional provision as to fugitive slaves. The Constitutional right of the South still existed, and would so remain until it was changed in the way provided. Something was to be done. The failure of Mr. Clay’s “Omnibus Bill” was ominous. The separate bill based upon Mr. Clay’s was intricate and unsatisfactory, especially to the South, although it passed in the Senate by a vote of twenty-seven to twelve, and in the House by one hundred and nine to seventy-five, many Southern men voting for it. But its passage at all showed that the spirit of compromise had not died out in that section. Thomas H. Benton, and a number of other Senators, who were anxious for an effective plan of compromise, did not vote for or against this bill. They believed its defects were so great as to destroy the purpose for which it was designed, especially by the South, and in this judgment they were not mistaken. Among the Southern Senators, who supported the bill by their votes was Jefferson Davis.

When this Fugitive Slave Bill came to the President for his signature, strangely enough he had some scruples as to its Constitutionality. The bill was



complex and troublesome, unlike the act of 1793; but it was clearly and simply based upon the Constitutional provision. But Mr. Fillmore chose to have the opinion of his Attorney-General before taking the important step, with the following result:—

“The provisions of the bill, commonly called the Fugitive Slave Bill, and which Congress have submitted to the President for his approval and signature, are not in conflict with the provisions of the Constitution in relation to the writ of *habeas corpus*.

“The expressions used in the last clause of the sixth section, that the certificate therein alluded to ‘shall prevent all molestation’ of the persons to whom granted, ‘by any process issued,’ etc., probably mean only what the act of 1793 meant, by declaring a certificate under that act a sufficient warrant for the removal of a fugitive; and do not mean a suspension of the writ of *habeas corpus*.

“There is nothing in the act inconsistent with the Constitution, nor which is not necessary to redeem the pledge which it contains, that fugitive slaves shall be delivered upon the claim of their owners.”

Mr. Crittenden’s opinion strengthened the President’s purpose, and the bill became a law. It was Constitutional. There was no doubt about that. It was the work of a majority of Congress. Where is the man to-day who will maintain that the signature of the Fugitive Slave Bill, or any other of the compromise measures of 1850, was wrong? Yet this was considered the great error of Mr. Fillmore’s Administration; and on account of his sanction of the Fugitive Slave Law the North cried that he had gone over to slavery; had departed from his well-known past principles and pretensions; had “sold



out" to the South. The history of this whole case is clear and simple. So far removed from the heat and passion of that day the impartial judge can have no difficulty.

The Constitution had made the provision. It was then a necessity, and just. The act of 1793 had made the provision effective, from necessity. It was a compromise then, and was long held in good faith by all States and courts. No complex and inoperative law was wanted in 1850. Nothing but a simple act compelling the States to carry out the law always in existence, and sufficient. No real or supposed higher or Divine law had anything whatever to do with the case, as long as the Constitution remained unchanged. It was, perhaps, as clearly a part of the duty of all the people everywhere to yield to the established guarantees of this distasteful and troublesome institution of slavery as it was in the case of any unchanged requirement of the Constitution. Mr. Fillmore had courage to do what then was plainly enough his duty, and this in full view of the storm which suddenly broke upon him, and from which he never lived to feel himself clear. That the development and progress of human sentiment were becoming unfavorable to the expansion, or even to the very existence, of human slavery, and so truly a higher or diviner law began to be required by this growth, there is now, also, no doubt. Twenty or more years before the conflict became apparent. It had grown in strength rapidly, and now the workings of the new Compromise Law showed indisputably

that there would be no turning back. The daring men who came to the front on the side of human freedom and progress, and who had been moderate and tolerant in a calmer and quieter age, worked with no fanatical ardor, but with an open and manly spirit in harmony with the times. The days of slavery they believed were numbered, and they believed the South should submit to the hand of the inevitable. But this was not the feeling in the South; nor was it, perhaps, reasonable to suppose that it would be. Colonel Benton said Mr. Calhoun had hurled the fire-brand of slave contest into national affairs, and now the South was beginning to reap the effects. Mr. Calhoun and his followers had, indeed, stirred the South not only to resist encroachment, but also to demand the privilege of expanding slavery. Long before the memorable campaign of 1860 the Southern heart had been fired. In his famous speech in Congress, in 1850, on the Compromise measures, Mr. Seward said:—

“But you insist on a guaranty against the abolition of slavery in the District of Columbia, or war. Well, when you shall have declared war against us, what shall hinder us from immediately decreeing that slavery shall cease within the National Capital?”

“You say that you will not submit to the exclusion of slaves from the new Territories. What will you gain by resistance? Liberty follows the sword, although her sway is one of peace and beneficence. Can you propagate slavery, then, by the sword?”

“You insist that you can not submit to the freedom with which slavery is discussed in the Free States. Will

war, a war for slavery, arrest, or even moderate, that discussion? No, sir; that discussion will not cease; war will only inflame it to a greater height. It is a part of the eternal conflict between truth and error, between mind and physical force—the conflict of man against the obstacles which oppose his way to an ultimate and glorious destiny.”

These were galling words, and no less hard to be submitted to because they were true and prophetic. In speaking further of the impossibility now of slavery curbing the tongues of men, of discussion ceasing by any means, Mr. Seward uttered what he then believed true in palliating his sterner views :—

“It will go on until you shall terminate it in the only way in which any State or Nation has ever terminated it, by yielding to it, yielding in your own time, and in your own manner, indeed, but nevertheless yielding to the progress of emancipation. You will do this, sooner or later, whatever may be your opinion now; because nations which were prudent and humane and wise as you are have done so already.”

Little did these sanguine Northern men then think that in another decade they would be called upon to help settle the question of free discussion and human slavery in a long, bloody war. It was well that they knew it not, that no man knew the ordeal through which the Nation was preparing to pass. It has been shown with sufficient minuteness what had now taken place in Congress, and the condition of affairs North and South throughout the country remains to be seen. Many persons hoped,

and many men of well-informed views really believed that the compromise measures of 1850 had removed the bone of contention between the sections, or effectually shut the mouth of complaint and division. But the facts at no time fully justified such belief, although the last year of Mr. Fillmore's Administration was comparatively calm, as were parts of the two following Administrations. I may be excused for adopting here Mr. Benton's presentation to close the Southern side of this exciting history, instead of arranging and constructing one of my own. At the close of his great work, "Thirty Years' View," and not many years from the close of his earthly career, Mr. Benton says:—

"The manifesto of the forty-two members from the Slave States, issued in 1849, was not a *brutum fulmen*, nor intended to be so. It was intended for action, and was the commencement of action; and regular steps for the separation of the Slave from the Free States immediately began under it. An organ of disunion, entitled 'The Southern Press,' was set up at Washington, established upon a contribution of \$30,000 from the signers to the Southern manifesto, and their ardent adherents—its daily occupation to inculcate the advantages of disunion, to promote it by inflaming the South against the North, and to prepare it by organizing a Southern concert of action. Southern cities were to recover their colonial superiority in a state of sectional independence; the ships of all nations were to crowd their ports to carry off their rich staples, and bring back ample returns; Great Britain was to be the ally of the new 'United States South;' all the Slave States were expected to join, but the new confederacy to begin with the South Atlantic States, or even a part of them; and military preparation was to be made to maintain by force what a Southern convention should decree. That convention was called—the same which had been designated in the first



manifesto, entitled 'The Crisis,' published in 'The Charleston Mercury' in 1835; and the same which had been repulsed from Nashville in 1844. Fifteen years of assiduous labor produced what could not be started in 1835, and what had been repulsed in 1844. A disunion convention met at Nashville!—met at the home of Jackson, but after the grave had become his home.

"This convention (assuming to represent seven States) took the decisive step, so far as it depended upon itself, towards a separation of the States. It invited the assembling of a 'Southern Congress.' Two States alone responded to that appeal—South Carolina and Mississippi; and the Legislatures of these two passed solemn acts to carry it into effect—South Carolina absolutely, by electing her quota of representatives to the proposed congress; Mississippi provisionally, by subjecting her law to the approval of the people. Of course, each State gave a reason, or motive, for its action. South Carolina simply asserted the 'aggressions' of the non-slaveholding States to be the cause, without stating what these aggressions were; and, in fact, there were none to be stated. For even the repeal of the Slave Sojournment Law in some of them, and the refusal to permit the State prisons to be used for the detention of fugitives from service, or State officers to assist in their arrest, though acts of unfriendly import, and a breach of the comity due to sister States, and inconsistent with the spirit of the Constitution, were still acts which the States, as sovereign within their limits upon the subjects to which they refer, had a right to pass. Besides, Congress had readily passed the Fugitive Slave Recovery Bill just as these Southern members wished it; and left them without complaint against the National Legislature on that score. All other matters of complaint which had successively appeared against the Free States were gone—Wilmot Proviso, and all. The act of Mississippi gave two reasons for its action:

"*First.* That the legislation of Congress, at the last session, was controlled by a dominant majority regardless of the Constitutional rights of the slaveholding States; and,

"*Secondly.* That the legislation of Congress, such as it was, affords alarming evidence of a settled purpose on the part of



said majority to destroy the institution of slavery, not only in the State of Mississippi, but in her sister States, and to subvert the sovereign power of that and other slaveholding States.'

"Waiving the question whether these reasons, if true, would be sufficient to justify this abrupt attempt to break up the Union, an issue of fact can well be taken on their truth: and first, of the dominant majority of the last session, ending September, 1850—that majority, in every instance, was helped out by votes from the Slave States, and generally by a majority of them. The admission of California, which was the act of the session most complained of, most resisted, and declared to be a 'test' question, was supported by a majority of the members from the Slave States; so that reason falls upon the trial of an issue of fact. The second set of reasons have for their point an assertion that the majority in Congress have a settled purpose to destroy the institution of slavery in the State of Mississippi, and in the other Slave States, and to subvert the sovereignty of all the Slave States. It is the duty of history to deal with this assertion, thus solemnly put in a legislative act as a cause for the secession of a State from the Union—and to say that it was an assertion without evidence, and contrary to the evidence, and contrary to the fact. There was no such settled purpose in the majority of Congress, nor in a minority of Congress, nor in any half-dozen members of Congress, if in any one at all. It was a most deplorable assertion of a most alarming design, calculated to mislead and inflame the ignorant, and make them fly to disunion as the refuge against such an appalling catastrophe. But it was not a new declaration. It was part and parcel of the original agitation of slavery commenced in 1835, and continued ever since. To destroy slavery in the States has been the design attributed to the Northern States from that day to this, and is necessary to be kept up in order to keep alive the slavery agitation in the Slave States. It has received its constant and authoritative contradiction in the conduct of those States at home, and in the acts of their representatives in Congress, year in and year out; and continues to receive that contradiction, continually; but without having the least effect upon its repetition and incessant reiteration. In the meantime there is a fact visible in all the Slave

States which shows that, notwithstanding these twenty years' repetition of the same assertion, there is no danger to slavery in any Slave State. Property is timid! and slave property above all; and the market is the test of safety and danger to all property. Nobody gives full price for anything that is insecure, either in title or possession. All property, in danger from either cause, sinks in price when brought to that infallible test. Now, how is it with slave property, tried by this unerring standard? Has it been sinking in price since the year 1835? since the year of the first alarm manifesto in South Carolina, and the first of Mr. Calhoun's twenty years' alarm speeches in the Senate? On the contrary, the price has been constantly rising the whole time—and is still rising, although it has attained a height incredible to have been predicted twenty years ago.

“But, although the slavery alarm does not act on property, yet it acts on the feelings and passions of the people, and excites sectional animosity, hatred for the Union, and desire for separation. The Nashville Convention and the call for the Southern Congress were natural occasions to call out these feelings; and most copiously did they flow. Some specimens, taken from the considered language of men in high authority, and speaking advisedly, and for action, will show the temper of the whole—the names withheld, because the design is to show a danger, and not to expose individuals.

“In the South Carolina Legislature a speaker declared: ‘We must secede from a Union perverted from its original purpose, and which has now become an engine of oppression to the South. He thought our proper course was for this Legislature to proceed directly to the election of delegates to a Southern Congress. He thought we should not await the action of all the Southern States; but it is prudent for us to await the action of such States as Alabama, Georgia, Mississippi, and Florida; because these States have requested us to wait. If we can get but one State to unite with us, then we must act. Once being independent, we would have a strong ally in England. But we must prepare for secession.’

“Another: ‘The friends of the Southern movement in the other States look to the action of South Carolina; and he would

make the issue in a reasonable time, and the only way to do so is by secession. There would be no concert among the Southern States until a blow is struck. And if we are sincere in our determination to resist, we must give the South some guarantee that we are in earnest. He could not concur with the gentleman from Greenville in his expressions of attachment to the Union. He hated and detested the Union, and was in favor of cutting the connection. He avowed himself a disunionist—a disunionist *per se*. If he had the power, he would crush this Union to-morrow.’

“Another: ‘Denied the right or the power of the General Government to coerce the State in case of secession. This State is sovereign and independent, so soon as she sees proper to assert that sovereignty. And when can we be stronger than we are now? If we intend to wait until we become superior to the Federal Government in numerical strength, we will wait forever. In the event of an attempt to coerce her, sacrifices might be made; but we are willing and ready to make those sacrifices. But he did not believe one gun would be fired in this contest. South Carolina would achieve a bloodless victory. But, should there be a war, all the nations of Europe would be desirous of preserving their commercial intercourse with the Southern States, and would make the effort to do so. He thought there never would be a union of the South until this State strikes the blow, and makes the issue.’

“Another: ‘Would not recapitulate the evils which had been perpetrated upon the South. Great as they have been, they are comparatively unimportant when compared with the evils to which they would inevitably lead. We must not consider what we have borne, but what we must bear hereafter. There is no remedy for these evils in the Government; we have no alternative left us then, but to come out of the Government.’

“Another: ‘He was opposed to calling a convention, because he thought it would impede the action of this State on the questions now before the country. He thought it would impede our progress towards disunion. All his objections to a convention of the people applied only to the proposition to call it now. He thought conventions dangerous things, except

when the necessities of the country absolutely demand them. He said that he had adopted the course he had taken on these weighty matters simply and entirely with the view of hastening the dissolution of this Union.'

"Another: 'Would sustain the bill for electing delegates to a Southern Congress, because he thought it would bring about a more speedy dissolution of the Union.'

"In the Nashville Convention a delegate said:

"'I shall enumerate no more of the wrongs that we have suffered, or the dangers with which we are threatened. If these, so enormous and so atrocious, are not sufficient to arouse the Southern mind, our case is desperate. But, supposing that we shall be roused, and that we shall act like freemen, and, knowing our rights and our wrongs, shall be prepared to sustain the one and redress the other, what is the remedy? I answer secession; united secession of the slaveholding States, or a large number of them. Nothing else will be wise; nothing else will be practicable. The Rubicon is passed. The Union is already dissolved. Instead of wishing the perpetuity of any government over such vast boundaries, the rational lover of liberty should wish for its speedy dissolution, as dangerous to all just and free rule. Is not all this exemplified in our own case? In nine months, in one session of Congress, by a great *coup d'état*, our Constitution has been completely and forever subverted. Instead of a well-balanced government, all power is vested in one section of the country, which is in bitter hostility with the other. And this is the glorious Union which we are to support, for whose eternal duration we are to pray, and before which the once proud Southron is to bow down. He ought to perish rather.'

"'They have not, however, been satisfied with taking all (the territory). They have made that all a wicked instrument for the abolition of the Constitution, and of every safeguard of our property and our lives. I have said they have made the appropriation of this territory an instrument to abolish the Constitution. There is no doubt that they have abolished the Constitution. The carcass may remain, but the spirit has left it. It is now a fetid mass, generating disease and death. It stinks in our nostrils.'



“‘A constitution means *ex vi termini*, a guarantee of the rights, liberty, and security of a free people, and can never survive in the shape of dead formalities. It is a thing of life, and just and fair proportions; not the *caput mortuum* which the so-called Constitution of the United States has now become. Is there a Southern man who bears a soul within his ribs, who will consent to be governed by this vulgar tyranny?’ etc.

“From public addresses: ‘Under the operation of causes beyond the scan of man, we are rapidly approaching a great and important crisis in our history. The shadow of the sun has gone back upon the dial of American liberty, and we are rapidly hastening towards the troubled sea of revolution. A dissolution of the Union is our inevitable destiny, and it is idle for man to raise his puny arm to stem the tide of events,’ etc.

“Another: ‘We must form a separate government. The slaveholding States must all yet see that their only salvation consists in uniting, and that promptly too, in organizing a Southern confederacy. Should we be wise enough thus to unite, all California, with her exhaustless treasures, would be ours; all New Mexico also, and the sun would never shine upon a country so rich, so great, and so powerful, as would be our Southern republic.’

“Another: ‘By our physical power,’ said one of the foremost of those leaders, in a late speech to his constituents, ‘we can protect ourselves against foreign nations, whilst by our productions we can command their peace or support. The keys of their wealth and commerce are in our hands, which we will freely offer to them by a system of free trade, making our prosperity their interest; our security their care. The lingering or decaying cities of the South, which before our Revolution carried on all their foreign commerce, buoyant with prosperity and wealth, but which now are only provincial towns, sluggish suburbs of Boston and New York, will rise up to their natural destiny, and again enfold in their embraces the richest commerce of the world. Wealth, honor, and power, and one of the most glorious destinies which ever crowned a great and happy people, awaits the South, if she but control her own fate; but controlled by another people, what pen shall paint the infamous and bloody catastrophe which must mark her fall?’



“From Fourth of July toasts:

“‘The Union: A splendid failure of the first modern attempt by people of different institutions, to live under the same government.’

“‘The Union: For it we have endured much; for it we have sacrificed much. Let us beware lest we endure too much; lest we sacrifice too much.’

“‘Disunion rather than degradation.’

“‘South Carolina: She struck for the Union when it was a blessing; when it becomes a curse she will strike for herself.’

“‘The Compromise: “The best the South can get.” A cowardly banner held out by the *spoilsman* that would sell his country for a mess of pottage.’

“‘The American Eagle: In the event of a dissolution of the Union, the South claims as her portion, the heart of the noble bird; to the Yankees we leave the feathers and carcass.’

“‘The South: Fortified by right, she considers neither threats nor consequences.’

“‘The Union: Once a holy alliance, now an accursed bond.’

“Among the multitude of publications most numerous in South Carolina and Mississippi, but also appearing in other Slave States, all advocating disunion, there were some (like Mr. Calhoun’s letter to the Alabama member, which feared the chance might be lost which the Wilmot Proviso furnished) also that feared agitation would stop in Congress, and deprive the Southern politicians of the means of uniting the Slave States in a separate confederacy. Of this class of publications here is one from a leading paper:

“‘The object of South Carolina is undoubtedly to dissolve this Union, and form a confederacy of slaveholding States. Should it be impossible to form this confederacy, then her purpose is, we believe conscientiously, to disconnect herself from the Union and set up for an independent power. Will delay bring to our assistance the slaveholding States? If the slavery agitation, its tendencies and objects, were of recent origin, and not fully disclosed to the people of the South, delay might unite us in concerted action. We have no indication that Congress will soon pass obnoxious measures, restricting or crippling directly the institution of slavery. Every indication makes us

fear that a pause in fanaticism is about to follow, to allow the Government time to consolidate her late acquisitions and usurpations of power. Then the storm will be again let loose to gather its fury and burst upon our heads. We have no hopes that the agitation in Congress, this or next year, will bring about the union of the South.'

"Enough to show the spirit that prevailed, and the extraordinary and unjustifiable means used by the leaders to mislead and exasperate the people. The great effort was to get a 'Southern Congress' to assemble according to the call of the Nashville Convention. The assembling of that 'Congress' was a turning point in the progress of disunion. It failed. At the head of the States which had the merit of stopping it was Georgia, the greatest of the South-eastern Atlantic States. At the head of the presses which did most for the Union was the 'National Intelligencer' at Washington City, long edited by Messrs. Gales & Seaton, and now as earnest against Southern disunion in 1850 as they were against the Hartford Convention disunion of 1814. The Nashville Convention, the Southern Congress, and the 'Southern Press' established at Washington, were the sequence and interpretation (so far as its disunion design needed interpretation) of the Southern address drawn by Mr. Calhoun. His last speech, so far as it might need interpretation, received it soon after his death in a posthumous publication of his political writings, abounding with passages to show that the Union was a mistake—the Southern States ought not to have entered into it, and should not now re-enter it, if out of it, and that its continuance was impossible as things stood. Thus:

" 'All this has brought about a state of things hostile to the continuance of this Union, and the duration of the Government. Alienation is succeeding to attachment, and hostile feelings to alienation; and these, in turn, will be followed by revolution or a disruption of the Union, unless timely prevented. But this can not be done by restoring the Government to its federal character, however necessary that may be as a first step. What has been done can not be undone. The equilibrium between the two sections has been permanently destroyed by the measures above stated. The Northern section, in consequence,

will ever concentrate within itself the two majorities of which the Government is composed; and should the Southern be excluded from all the territories now acquired, or to be hereafter acquired, it will soon have so decided a preponderance in the Government and the Union as to be able to mold the Constitution to its pleasure. Against this the restoration of the federal character of the Government can furnish no remedy. So long as it continues there can be no safety for the weaker section. It places in the hands of the stronger and the hostile section the power to crush her and her institutions; and leaves no alternative but to resist, or sink down into a colonial condition. This must be the consequence, if some effectual and appropriate remedy is not applied.

“The nature of the disease is such that nothing can reach it, short of some organic change—a change which will so modify the Constitution as to give to the weaker section, in some one form or another, a negative on the action of the Government. Nothing short of this can protect the weaker, and restore harmony and tranquillity to the Union by arresting effectually the tendency of the dominant section to oppress the weaker. When the Constitution was formed the impression was strong that the tendency to conflict would be between the larger and smaller States; and effectual provisions were accordingly made to guard against it. But experience has proved this to be a mistake; and that instead of being, as was then supposed, the conflict is between the two great sections which are so strongly distinguished by their institutions, geographical character, productions, and pursuits. Had this been then as clearly perceived as it now is, the same jealousy which so vigilantly watched and guarded against the danger of the larger States oppressing the smaller, would have taken equal precaution to guard against the same danger between the two sections. It is for us, who see and feel it, to do what the framers of the Constitution would have done, had they possessed the knowledge, in this respect, which experience has given to us; that is, to provide against the dangers which the system has practically developed; and which, had they been foreseen at the time, and left without guard, would undoubtedly have prevented the States forming the Southern section of the Confederacy from

ever agreeing to the Constitution; and which, under like circumstances, were they now out of, would forever prevent them entering into the Union. How the Constitution could best be modified so as to effect the object can only be authoritatively determined by the amending power. It may be done in various ways. Among others, it might be effected through a reorganization of the Executive Department; so that its powers, instead of being vested, as they now are, in a single officer, should be vested in two, to be so elected as that the two should be constituted the special organs and representatives of the respective sections in the Executive Department of the Government; and requiring each to approve of all the acts of Congress before they become laws. One might be charged with the administration of matters connected with the foreign relations of the country; and the other, of such as were connected with its domestic institutions; the selection to be decided by lot. Indeed, it may be doubted whether the framers of the Constitution did not commit a great mistake in constituting a single, instead of a plural Executive. Nay, it may even be doubted whether a single magistrate, invested with all the powers properly appertaining to the Executive Department of the Government, as is the President, is compatible with the permanence of a popular government; especially in a wealthy and populous community, with a large revenue and a numerous body of officers and employés. Certain it is, that there is no instance of a popular government so constituted which has long endured. Even ours, thus far, furnishes no evidence in its favor, and not a little against it; for to it the present disturbed and dangerous state of things, which threatens the country with monarchy or disunion, may be justly attributed.'

"The observing reader, who may have looked over the two volumes of this, 'View,' in noting the progress of the slavery agitation, and its successive alleged causes for disunion, must have been struck with the celerity with which these causes, each in its turn, as soon as removed, has been succeeded by another of a different kind; until, at last, they terminate in a cause which ignores them all, and find a new reason for disunion in the Constitution itself—in that Constitution, the protection of which had been invoked as sufficient during the whole period



of the alleged 'aggressions and encroachments.' In 1835, when the first agitation manifesto and call for a Southern Convention, and invocation to unity and concert of action, came forth in the 'Charleston Mercury,' entitled 'The Crisis,' the cause of disunion was then in the Abolition societies established in some of the Free States, and which these States were required to suppress. Then came the Abolition petitions presented in Congress; then the mail transmission of incendiary publications; then the abolition of slavery in the District of Columbia; then the abolition of the slave-trade between the States; then the exclusion of slavery from Oregon; then the Wilmot Proviso; then the admission of California with a free constitution. Each of these, in its day, was a cause of disunion, to be effected through the instrumentality of a Southern Convention, forming a sub-confederacy, in flagrant violation of the Constitution, and effecting the disunion by establishing a commercial non-intercourse with the Free States. After twenty years' agitation upon these points, they are all given up. The Constitution and the Union were found to be a 'mistake' from the beginning, an error in their origin, and an impossibility in their future existence, and to be amended into another impossibility or broken up at once.

"The regular inauguration of this slavery agitation dates from the year 1835; but it had commenced two years before, and in this way: Nullification and disunion had commenced in 1830 upon complaint against a protective tariff. That being put down in 1833, under President Jackson's proclamation and energetic measures, was immediately substituted by the slavery agitation. Mr. Calhoun, when he went home from Congress in the spring of that year, told his friends that the South could never be united against the North on the tariff question; that the sugar interest of Louisiana would keep her out, and that the basis of Southern union must be shifted to the slave question. Then all the papers in his interest, and especially the one at Washington, published by Mr. Duff Green, dropped tariff agitation, and commenced upon slavery; and in two years had the agitation ripe for inauguration on the slavery question. And, in tracing this agitation to its present stage, and to comprehend its rationale, it is not to be forgotten that it is a mere con-



tinuation of the old tariff disunion, and preferred because more available.

“In June, 1833, at the first transfer of Southern agitation from tariff to slavery, Mr. Madison wrote to Mr. Clay :—

“‘It is painful to see the unceasing efforts to alarm the South by imputations against the North of unconstitutional designs on the subject of slavery. You are right, I have no doubt, in believing that no such intermeddling disposition exists in the body of our Northern brethren. Their good faith is sufficiently guaranteed by the interest they have as merchants, as ship-owners, and as manufacturers, in preserving a union with the slaveholding States. On the other hand, what madness in the South to look for greater safety in disunion! It would be worse than jumping into the fire for fear of the frying-pan. The danger from the alarms is, that pride and resentment excited by them may be an overmatch for the dictates of prudence; and favor the project of a Southern Convention, insidiously revived, as promising by its counsels the best security against grievances of every kind from the North.’

“Nullification, secession, and disunion were considered by Mr. Madison as synonymous terms, dangerous to the Union as fire to powder, and the danger increasing in all the Southern States, even Virginia. ‘Look at Virginia herself, and read in the gazettes and in the proceedings of popular meetings the figure which the anarchical principle now makes in contrast with the scouting reception given to it but a short time ago.’ Mr. Madison solaced himself with the belief that this heresy would not reach a majority of the States; but he had his misgivings, and wrote them down in the same paper, entitled, ‘Memorandum on Nullification,’ written in his last days, and published after his death. ‘But a susceptibility of the contagion in the Southern States is visible, and the danger not to be concealed, that the sympathy arising from known causes, and the inculcated impression of a permanent incompatibility of interests between the North and the South may put it in the power of popular leaders, aspiring to the highest stations, to unite the South on some critical occasion in a course that will end in creating a theater of great though inferior extent. In pursuing this course, the first and most obvious step is nulli-

cation, the next secession, and the last a farewell separation. How near has this course been lately exemplified, and the danger of its recurrence, in the same or some other quarter, may be increased by an increase of aspirants, and by the increasing impracticability of retaining in the Union a large and cemented section against its will.'

"So wrote Mr. Madison in the year 1836, in the eighty-sixth year of his age and the last of his life. He wrote with the pen of inspiration and the heart of a patriot, and with a soul which filled the Union, and could not be imprisoned in one-half of it. He was a Southern man, but his Southern home could not blind his mental vision to the origin, design, and consequences of the slavery agitation. He gives to that agitation a Southern origin, to that design a disunion end, to that end disastrous consequences both to the South and the North."

The enforcement of the Fugitive Slave Act in the North was generally resisted, or so obstructed that it became of no effect. Violent assaults were made by the anti-slavery party, now rapidly increasing, upon the act, and the President for not vetoing it. In Massachusetts, New York, and Pennsylvania slaves were rescued from officers who had them in charge, and in several places, as Boston, Syracuse, and Christiana (Pa.) disorder and riot ruled. Little came of the arrest of riotous persons, as it was found almost impossible to obtain juries willing to find them guilty, if the offense was in the cause of freedom. But the Executive at Washington was not an idle spectator of these scenes. Nothing was now more obvious to President Fillmore than that it was his duty to execute the law of Congress for the return of fugitive slaves, however distasteful it might

really be to him. Upon the basis of duty and good faith he undoubtedly placed his entire conduct.

The President now issued the following

FUGITIVE SLAVE PROCLAMATION.

*February 18, 1851.*

WHEREAS, information has been received that sundry lawless persons, principally persons of color, combined and confederated together, for the purpose of opposing by force the execution of the laws of the United States, did, at Boston, in Massachusetts, on the fifteenth of this month, make a violent assault on the marshal or deputy marshals of the United States for the district of Massachusetts, in the court-house, and did overcome the said officers, and did, by force, rescue from their custody a person arrested as a fugitive slave, and then and there a prisoner lawfully holden by the said marshal or deputy marshals of the United States, and other scandalous outrages did commit in violation of law:

Now, therefore, to the end that the authority of the laws may be maintained, and those concerned in violating them brought to immediate and condign punishment, I have issued this my proclamation, calling on all well-disposed citizens to rally to the support of the laws of their country, and requiring and commanding all officers, civil and military, and all persons, civil or military, who shall be found within the vicinity of this outrage, to be aiding and assisting, by all means in their power, in quelling this and other such combinations, and assisting the marshal and his deputies in recapturing the above mentioned prisoner; and I do, especially direct that prosecutions be commenced against all persons who shall have made themselves aiders or abettors in or to this flagitious offense; and I do further command that the district attorney of the United States, and all other persons concerned in the administration or execution of the laws of the United States, cause the foregoing offenders, and all such as aided, abetted, or assisted them, or shall be found to have harbored or concealed such fugitive, contrary to law, to be immediately arrested and proceeded with according to law.

And on the following day he sent a message to Congress covering the points in the entire case as it now was felt by the country.

Although the Whig party had full confidence in Mr. Fillmore at the beginning of his Administration, there were some who doubted whether in the emergency he was as safe at the head of affairs as General Taylor would have been. But as to the Compromise Measures, and their execution, General Taylor would doubtlessly have pursued the same course. He could not have pursued any other, as they were the wisest that could then be devised. And although the Fugitive Slave Law was never satisfactory or very effective, the disposition of the President to execute it was plain enough, and it did prevent an organized outbreak in the South, and quell, to a great extent, the slavery turmoil throughout the country.

Although old Mr. Cheves had falsely prophesied to the South, "Unite! unite! and you shall form one of the most splendid empires on which the sun has ever shone; of the most homogeneous population, all of the same blood and lineage, a soil the most fruitful, a climate the most lovely. But, submit! submit! The very sound curdles the blood in my veins! But, O great God, unite us and a tale of submission shall never be told," yet a Southern Congress was not formed. Not even all of the young men were hot-heads, and in South Carolina, the ever-active political volcano of the South, Joel R. Poinsett, old and gray in the councils of the country, raised his voice against the suicidal folly of a Southern



Congress, and constant agitation, when the Executive at Washington, and the calm, peace-admiring people of the North were courting general harmony by their acts.

Meetings were held in various cities in the North indorsing the course of the President warmly, and pledging the good faith of the country to the execution of the Compromise measures; and gradually some degree of tranquillity extended even to the South. But the condition of affairs was still precarious. About this time Mr. Webster wrote:—

“I hope the spirit of disunion may be considered now in some degree as checked; but that it has existed, both at the North and the South, and does still exist to a dangerous extent, can not, it seems to me, be denied by any honest man.

“In the South the separation of the States is openly proposed, discussed, and recommended absolutely or conditionally, in legislative halls, and in conventions called together by authority of law. In the North the State governments have not run into such excess; and the purpose of overturning the Government shows itself more clearly in resolutions agreed to in voluntary assemblies of individuals denouncing the laws of the land, and declaring a fixed intent to disobey them.”

On the Constitutionality of the Fugitive Slave Law Judge John McLean made a confirmatory decision in an interesting case which came before him in Ohio. This case was tried at Cincinnati, August 16th and 17th, 1853, and was the first under the new Fugitive Slave Act brought out in that judicial district. The history of this interesting case was



as follows: Years before, Wash. McQuerry, a mulatto slave, ran away from his master, Henry Miller, in Kentucky, and settled near Troy, in Miami County, Ohio. He there married a colored woman and had a family, and the trial developed the facts that Wash. was a steady, industrious, and exemplary man, standing well in the estimation of the people where he lived. After the great slavery agitation in 1850, a contemptible fellow by the name of John Russell, a neighbor of McQuerry, in nosing around some way discovered that the quiet McQuerry was not only a refugee, but also that a reward of four hundred dollars had been offered for the return of Wash. and three others, who had, with more circumspection, not stopped short of Canada. Russell accordingly apprised Miller that one of his men was living comfortably and happily in Ohio, unaware that one of his neighbors could be treacherous enough to reveal his supposed safe retreat. Miller came on, arrested McQuerry, and took him to Cincinnati in charge of a United States Marshal. Peter H. Clark, a young free mulatto of ability, with a deep undying hatred both for slavery and the white race, applied to Judge John McLean, residing at Clifton, for a writ of *habeas corpus*, which was granted. After some little clashing of authority between S. S. Carpenter, the United States Commissioner, who felt called upon to take charge of the case, and Judge McLean, the latter concluded he would himself hear the trial, in order to give the case more the weight of a test and precedent. Miller employed T. C. Ware to conduct

the complaint; and Jas. T. Birney and John Jolliffe were for the defense. Mr. Ware started out by saying that his sympathy was with McQuerry, and that as to the abstract question of slavery he did not differ from the lawyers on the other side; but he should do his duty to his client fully, under the conviction that his claim was sustained by the Constitutional law of the land. Birney and Jolliffe both made speeches of the *ad hominem* kind. Poor Jolliffe allowed his reason and judgment to be overcome by his sympathy and his hatred of slavery. He took the position that the Fugitive Slave Act was unconstitutional, a thing that no reading man was pardonable in doing, and every other ingenious device was resorted to for bringing the Court to the side of mercy.

The case undoubtedly fretted Judge McLean, while the following semi-querulous language from his decision, perhaps, may not indicate his temptation to ignore his Constitutional obligations and the dignity of his office:—

“I can not here be governed by sympathy; I have to look to the law and be governed by the law, and to guard myself with more than usual caution in such a case, when judgment might be warped by sympathy. . . . This is not a case for sympathy; the evidence certainly is complete, that the fugitive had a kind master; of this matter we on the north bank of the Ohio River have no concern. The law has been enacted by the highest power; that none is higher is acknowledged by all men. Sooner or later a disregard for the law would bring chaos, anarchy, and wide-spread ruin; the law must be enforced. Let

those who think differently go to the people who make the laws. I can not turn aside from the sacred duties of my office to regard aught but the law. By the force of all the testimony and the law I am bound to remand the fugitive to his master."

An attempt was made to appeal the case to the Supreme Court, but McLean said an appeal could not be taken from the decision of a judge of that court given in chambers. Still, Miller was bound in the sum of two thousand dollars to return the slave to Ohio should the Supreme Court take notice of the case. Miller then offered to emancipate McQuerry for one thousand two hundred dollars and give fifty dollars towards it himself. Levi Coffin, the old "under-ground railroad" busybody, and others made an effort to raise the money but did not succeed, and so poor McQuerry had to leave his wife and children and go back into slavery, where he remained until death, or until the slaveholder's rebellion restored him to his family in Ohio.

In a special message to Congress, January 18, 1853, President Fillmore exhibited unusual concern about the few Seminole Indians who yet remained in Florida. He said they were still unwilling to comply with the conditions of the treaty of 1832, and intimated that force ought again to be tried. He admitted that they had not shown a hostile inclination since Mr. Tyler had happily closed the long war in 1842, and thought that while they numbered only about five hundred men, women, and children, past experiences taught that it would require no

inconsiderable army to subdue and capture them. The main reason for this warlike message the President expressed in these words: "It can not be denied that the withholding of so large a portion of her territory from settlement is a serious injury to the State of Florida." But this reason looks like an unsubstantial pretext to-day even, when, with all the hurrah and advertising schemes of Florida real estate and railroad speculators, most of this swampy, malarious region occupied by the handful of poor Seminoles remains uninhabited and uninhabitable.

## CHAPTER XI.

FIRST ANNUAL MESSAGE—DESTINY OF THE RED MAN—  
THE HAND OF PROVIDENCE.

AFTER a short vacation Congress again assembled on the first Monday in December, with less disposition to quarrel, and a very decided tendency to friendly and active legislation. The following is President Fillmore's

## FIRST ANNUAL MESSAGE.

*December 2, 1851.*

FELLOW-CITIZENS OF THE SENATE AND OF THE HOUSE OF REPRESENTATIVES:—

Being suddenly called, in the midst of the last session of Congress, by a painful dispensation of Divine Providence to the responsible station which I now hold, I contented myself with such communications to the Legislature as the exigency of the moment seemed to require. The country was shrouded in mourning for the loss of its venerated Chief Magistrate, and all hearts were penetrated with grief. Neither the time nor the occasion appeared to require or to justify, on my part, any general expression of political opinions, or any announcement of the principles which would govern me in the discharge of the duties to the performance of which I had been so unexpectedly called. I trust, therefore, that it may not be deemed inappropriate if I avail myself of this opportunity of the re-assembling of Congress to make known my sentiments in a general manner, in regard to the policy which ought to be pursued by the Government, both in its intercourse with



foreign nations and in its management and administration of internal affairs.

Nations, like individuals in a state of nature, are equal and independent, possessing certain rights and owing certain duties to each other, arising from their necessary and unavoidable relations; which rights and duties there is no common human authority to protect and enforce. Still they are rights and duties, binding in morals, in conscience, and in honor, although there is no tribunal to which an injured party can appeal but the disinterested judgment of mankind, and ultimately the arbitrament of the sword.

Among the acknowledged rights of nations is that which each possesses of establishing that form of government which it may deem most conducive to the happiness and prosperity of its own citizens; of changing that form as circumstances may require, and of managing its internal affairs according to its own will. The people of the United States claim this right for themselves, and they readily concede it to others. Hence, it becomes an imperative duty not to interfere in the government or internal policy of other nations; and, although we may sympathize with the unfortunate or the oppressed everywhere in their struggles for freedom, our principles forbid us from taking any part in such foreign contests. We make no wars to promote or to prevent successions to thrones, to maintain any theory of a balance of power, or to suppress the actual government which any country chooses to establish for itself. We instigate no revolutions, nor suffer any hostile military expeditions to be fitted out in the United States to invade the territory or provinces of a friendly nation. The great law of morality ought to have a national as well as a personal and individual application. We should act toward other nations as we wish them to act toward us; and justice and conscience should form the rule of conduct between governments instead of mere power, self-interest, or the desire of aggrandizement. To maintain a strict neutrality in foreign wars, to cultivate friendly relations, to reciprocate every noble and generous act, and to perform punctually and scrupulously every treaty obligation—these are the duties which we owe to other States, and by the performance of which we best entitle ourselves to like

treatment from them; or if that, in any case, be refused, we can enforce our own rights with justice and with a clear conscience.

In our domestic policy the Constitution will be my guide; and in questions of doubt, I shall look for its interpretation to the judicial decisions of that tribunal which was established to expound it, and to the usage of the Government, sanctioned by the acquiescence of the country. I regard all its provisions as equally binding. In all its parts it is the will of the people, expressed in the most solemn form, and the constituted authorities are but agents to carry that will into effect. Every power which it has granted is to be exercised for the public good; but no pretense of utility, no honest conviction, even of what might be expedient, can justify the assumption of any power not granted. The powers conferred upon the Government, and their distribution to the several departments, are as clearly expressed in that sacred instrument as the imperfection of human language will allow; and I deem it my first duty not to question its wisdom, add to its provisions, evade its requirements, or nullify its commands.

Upon you, fellow-citizens, as the Representatives of the States and the people, is wisely devolved the legislative power. I shall comply with my duty in laying before you, from time to time, any information calculated to enable you to discharge your high and responsible trust for the benefit of our common constituents.

My opinions will be frankly expressed upon the leading subjects of legislation; and if, which I do not anticipate, any act should pass the two Houses of Congress which should appear to me unconstitutional, or an encroachment on the just powers of other departments, or with provisions hastily adopted and likely to produce consequences injurious and unforeseen, I should not shrink from the duty of returning it to you, with my reasons, for your further consideration. Beyond the due performance of these Constitutional obligations, both my respect for the Legislature and my sense of propriety will restrain me from any attempt to control or influence your proceedings. With you is the power, the honor, and the responsibility of the legislation of the country.

The Government of the United States is a limited Government. It is confined to the exercise of powers expressly granted, and such others as may be necessary for carrying those powers into effect; and it is at all times an especial duty to guard against any infringement on the just rights of the States. Over the objects and subjects intrusted to Congress its legislative authority is supreme. But here that authority ceases; and every citizen who truly loves the Constitution, and desires the continuance of its existence and its blessings, will resolutely and firmly resist any interference in those domestic affairs which the Constitution has clearly and unequivocally left to the exclusive authority of the States. And every such citizen will also deprecate useless irritation among the several members of the Union, and all reproach and crimination tending to alienate one portion of the country from another. The beauty of our system of Government consists, and its safety and durability must consist, in avoiding mutual collisions and encroachments, and in the regular, separate action of all while each is revolving in its own distinct orbit.

The Constitution has made it the duty of the President to take care that the laws be faithfully executed. In a Government like ours, in which all laws are passed by a majority of the Representatives of the people, and these Representatives are chosen for such short periods that any injurious or obnoxious law can very soon be repealed, it would appear unlikely that any great numbers should be found ready to resist the execution of the laws. But it must be borne in mind that the country is extensive; that there may be local interests or prejudices rendering a law odious in one part which is not so in another; and that the thoughtless and inconsiderate, misled by their passions or their imaginations, may be induced madly to resist such laws as they disapprove. Such persons should recollect that, without law, there can be no real practical liberty; that, when law is trampled under foot, tyranny rules, whether it appears in the form of a military despotism or of popular violence. The law is the only sure protection of the weak, and the only efficient restraint upon the strong. When impartially and faithfully administered, none is beneath its protection and none above its control. You, gentlemen, and the country may

be assured that, to the utmost of my ability, and to the extent of the power vested in me, I shall, at all times and in all places, take care that the laws be faithfully executed. In the discharge of this duty, solemnly imposed upon me by the Constitution and by my oath of office, I shall shrink from no responsibility, and shall endeavor to meet events as they may arise with firmness as well as with prudence and discretion.

The appointing power is one of the most delicate with which the Executive is invested. I regard it as a sacred trust, to be exercised with the sole view of advancing the prosperity and happiness of the people. It shall be my effort to elevate the standard of official employment, by selecting for places of importance individuals fitted for the posts to which they are assigned by their known integrity, talents, and virtues. In so extensive a country, with so great a population, and where few persons appointed to office can be known to the appointing power, mistakes will sometimes unavoidably happen, and unfortunate appointments be made, notwithstanding the greatest care. In such cases the power of removal may be properly exercised; and neglect of duty or malfeasance in office will be no more tolerated in individuals appointed by myself than in those appointed by others.

I am happy in being able to say that no unfavorable change in our foreign relations has taken place since the message at the opening of the last session of Congress. We are at peace with all nations; and we enjoy, in an eminent degree, the blessings of that peace in a prosperous and growing commerce, and in all the forms of amicable national intercourse. The unexampled growth of the country, the present amount of its population, and its ample means of self-protection, assure for it the respect of all nations; while it is trusted that its character for justice, and a regard to the rights of other States, will cause that respect to be readily and cheerfully paid.

A convention was negotiated between the United States and Great Britain, in April last, for facilitating and protecting the construction of a ship-canal between the Atlantic and Pacific Oceans, and for other purposes. This instrument has since been ratified by the contracting parties, the exchange of ratifications has been effected, and proclamation thereof has been duly made.



In addition to the stipulations contained in this convention, two other objects remain to be accomplished between the contracting powers.

First, the designation and establishment of a free port at each end of the canal.

Second, an agreement fixing the distance from the shore within which belligerent maritime operations shall not be carried on. On these points there is little doubt that the two governments will come to an understanding.

The company of citizens of the United States who have acquired from the State of Nicaragua the privilege of constructing a ship-canal between the two oceans, through the territory of that State, have made progress in their preliminary arrangements. The treaty between the United States and Great Britain, of the 19th of April last, above referred to, being now in operation, it is to be hoped that the guarantees which it offers will be sufficient to secure the completion of the work with all practicable expedition. It is obvious that this result would be indefinitely postponed if any other than peaceful measures for the purpose of harmonizing conflicting claims to territory in that quarter should be adopted. It will consequently be my endeavor to cause any further negotiations on the part of this Government, which may be requisite for this purpose, to be so conducted as to bring them to a speedy and successful close.

Some unavoidable delay has occurred, arising from distance and the difficulty of intercourse between this Government and that of Nicaragua; but, as intelligence has just been received of the appointment of an Envoy Extraordinary and Minister Plenipotentiary of that government to reside at Washington, whose arrival may soon be expected, it is hoped that no further impediments will be experienced in the prompt transaction of business between the two governments.

Citizens of the United States have undertaken the connection of the two oceans by means of a railroad across the Isthmus of Tehuantepec, under grants of the Mexican government to a citizen of that Republic. It is understood that a thorough survey of the course of the communication is in preparation, and there is every reason to expect that it will be prosecuted



with characteristic energy, especially when that government shall have consented to such stipulations with the Government of the United States as may be necessary to impart a feeling of security to those who may embark their property in the enterprise. Negotiations are pending for the accomplishment of that object; and a hope is confidently entertained that, when the government of Mexico shall become duly sensible of the advantages which that country can not fail to derive from the work, and learn that the Government of the United States desires that the right of sovereignty of Mexico in the Isthmus shall remain unimpaired, the stipulations referred to will be agreed to with alacrity.

By the last advices from Mexico it would appear, however, that that government entertains strong objections to some of the stipulations which the parties concerned in the project of the railroad deem necessary for their protection and security. Further consideration, it is to be hoped, or some modification of terms, may yet reconcile the differences existing between the two governments in this respect.

Fresh instructions have recently been given to the Minister of the United States in Mexico, who is prosecuting the subject with promptitude and ability.

Although the negotiations with Portugal for the payment of claims of citizens of the United States against that government have not yet resulted in a formal treaty, yet a proposition made by the government of Portugal for the final adjustment and payment of those claims has recently been accepted on the part of the United States. It gives me pleasure to say that Mr. Clay, to whom the negotiation on the part of the United States had been intrusted, discharged the duties of his appointment with ability and discretion, acting always within the instructions of his Government.

It is expected that a regular convention will be immediately negotiated for carrying the agreement between the two governments into effect.

The Commissioner appointed under the act of Congress for carrying into effect the convention with Brazil, of the 27th of January, 1849, has entered upon the performance of the duties imposed upon him by that act. It is hoped that those duties

may be completed within the time which it prescribes. The documents, however, which the imperial government, by the third article of the convention, stipulates to furnish to the Government of the United States, have not yet been received. As it is presumed that those documents will be essential for the correct disposition of the claims, it may become necessary for Congress to extend the period limited for the duration of the commission. The sum stipulated by the fourth article of the convention to be paid to this Government has been received.

The collection in the ports of the United States of discriminating duties upon the vessels of Chili and their cargoes has been suspended, pursuant to the provisions of the act of Congress of the 24th of May, 1828. It is to be hoped that this measure will impart a fresh impulse to the commerce between the two countries, which, of late, and especially since our acquisition of California, has, to the mutual advantage of the parties, been much augmented.

Peruvian guano has become so desirable an article to the agricultural interest of the United States, that it is the duty of the Government to employ all the means properly in its power for the purpose of causing that article to be imported into the country at a reasonable price. Nothing will be omitted on my part toward accomplishing this desirable end. I am persuaded that in removing any restraints on this traffic the Peruvian government will promote its own best interests, while it will afford a proof of a friendly disposition toward this country which will be duly appreciated.

The treaty between the United States and His Majesty the King of the Hawaiian Islands, which has recently been made public, will, it is believed, have a beneficial effect upon the relations between the two countries.

The relations between those parts of the Island of St. Domingo which were formerly colonies of Spain and France, respectively, are still in an unsettled condition. The proximity of that island to the United States, and the delicate questions involved in the existing controversy there, render it desirable that it should be permanently and speedily adjusted. The interests of humanity and of general commerce also demand

this; and, as intimations of the same sentiment have been received from other governments, it is hoped that some plan may soon be devised to effect the object in a manner likely to give general satisfaction. The Government of the United States will not fail, by the exercise of all proper friendly offices, to do all in its power to put an end to the destructive war which has raged between the different parts of the island, and to secure to them both the benefits of peace and commerce.

I refer you to the report of the Secretary of the Treasury for a detailed statement of the finances.

The total receipts into the treasury, for the year ending 30th of June last, were forty-seven millions four hundred and twenty-one thousand seven hundred and forty-eight dollars and ninety cents (\$47,421,748.90).

The total expenditures during the same period were forty-three million two thousand one hundred and sixty-eight dollars and ninety cents (\$43,002,168.90).

The public debt has been reduced, since the last annual report from the Treasury Department, four hundred and ninety-five thousand two hundred and seventy-six dollars and seventy-nine cents (\$495,276.79).

By the nineteenth section of the act of 28th January, 1847, the proceeds of the sales of the public lands were pledged for the interest and principal of the public debt. The great amount of those lands subsequently granted by Congress for military bounties will, it is believed, very nearly supply the public demand for several years to come, and but little reliance can therefore be placed on that hitherto fruitful source of revenue.

Aside from the permanent annual expenditures, which have necessarily largely increased, a portion of the public debt amounting to eight million seventy-five thousand nine hundred and eighty-six dollars and fifty-nine cents (\$8,075,986.59) must be provided for within the next two fiscal years. It is most desirable that these accruing demands should be met without resorting to new loans.

All experience has demonstrated the wisdom and policy of raising a large portion of revenue for the support of Government from duties on goods imported. The power to lay these

duties is unquestionable, and its chief object, of course, is to replenish the treasury. But if, in doing this, an incidental advantage may be gained by encouraging the industry of our own citizens, it is our duty to avail ourselves of that advantage.

A duty laid upon an article which can not be produced in this country—such as tea or coffee—adds to the cost of the article, and is chiefly or wholly paid by the consumer. But a duty laid upon an article which may be produced here, stimulates the skill and industry of our own country to produce the same article, which is brought into the market in competition with the foreign article, and the importer is thus compelled to reduce his price to that at which the domestic article can be sold, thereby throwing a part of the duty upon the producer of the foreign article. The continuance of this process creates the skill and invites the capital, which finally enables us to produce the article much cheaper than it could have been procured from abroad, thereby benefiting both the producer and the consumer at home. The consequence of this is that the artisan and the agriculturist are brought together, each affords a ready market for the produce of the other, the whole country becomes prosperous, and the ability to produce every necessary of life renders us independent in war as well as in peace.

A high tariff can never be permanent. It will cause dissatisfaction and will be changed. It excludes competition, and thereby invites the investment of capital in manufactures to such excess, that when changed it brings distress, bankruptcy, and ruin, upon all who have been misled by its faithless protection. What the manufacturer wants is uniformity and permanency, that he may feel a confidence that he is not to be ruined by sudden changes. But to make a tariff uniform and permanent it is not only necessary that the law should not be altered, but that the duty should not fluctuate. To effect this, all duties should be specific, wherever the nature of the article is such as to admit of it. *Ad valorem* duties fluctuate with the price and offer strong temptations to fraud and perjury. Specific duties, on the contrary, are equal and uniform in all ports, and at all times, and offer a strong inducement to the importer to bring the best article, as he pays no more duty



upon that than upon one of inferior quality. I therefore strongly recommend a modification of the present tariff, which has prostrated some of our most important and necessary manufactures, and that specific duties be imposed sufficient to raise the requisite revenue, making such discrimination in favor of the industrial pursuits of our own country as to encourage home production without excluding foreign competition. It is also important that an unfortunate provision in the present tariff, which imposes a much higher duty upon the raw material that enters into our manufactures than upon the manufactured article, should be remedied.

The papers accompanying the report of the Secretary of the Treasury will disclose frauds attempted upon the revenue, in variety and amount so great as to justify the conclusion that it is impossible, under any system of *ad valorem* duties levied upon the foreign cost or value of the article, to secure an honest observance and an effectual administration of the laws. The fraudulent devices to evade the law, which have been detected by the vigilance of the appraisers, leave no room to doubt that similar impositions not discovered, to a large amount, have been successfully practiced since the enactment of the law now in force. This state of things has already had a prejudicial influence upon those engaged in foreign commerce. It has a tendency to drive the honest trader from the business of importing, and to throw that important branch of employment into the hands of unscrupulous and dishonest men, who are alike regardless of law and the obligations of an oath. By these means the plain intentions of Congress, as expressed in the law, are daily defeated. Every motive of policy and duty, therefore, impel me to ask the earnest attention of Congress to this subject. If Congress should deem it unwise to attempt any important changes in the system of levying duties at this session, it will become indispensable to the protection of the revenue that such remedies, as in the judgment of Congress may mitigate the evils complained of, should be at once applied.

As before stated, specific duties would, in my opinion, afford the most perfect remedy for this evil; but, if you should not concur in this view, then, as a partial remedy, I beg leave respectfully to recommend that, instead of taking the invoice



of the article abroad as a means of determining its value here, the correctness of which invoice it is in many cases impossible to verify, the law be so changed as to require a home valuation or appraisal, to be regulated in such manner as to give, as far as practicable, uniformity in the several ports.

There being no mint in California, I am informed that the laborers in the mines are compelled to dispose of their gold dust at a large discount. This appears to me to be a heavy and unjust tax upon the labor of those employed in extracting this precious metal; and I doubt not you will be disposed, at the earliest period possible, to relieve them from it by the establishment of a mint. In the meantime, as an assayer's office is established there, I would respectfully submit for your consideration the propriety of authorizing gold bullion, which has been assayed and stamped, to be received in payment of government dues. I can not conceive that the treasury would suffer any loss by such a provision, which will at once raise bullion to its par value, and thereby save (if I am rightly informed) many millions of dollars to the laborers which are now paid in brokerage to convert this precious metal into available funds. This discount upon their hard earnings is a heavy tax, and every effort should be made by the Government to relieve them from so great a burden.

More than three-fourths of our population are engaged in the cultivation of the soil. The commercial, manufacturing, and navigating interests are all, to a great extent, dependent on the agricultural. It is, therefore, the most important interest of the Nation, and has a just claim to the fostering care and protection of the Government, so far as they can be extended consistently with the provisions of the Constitution. As this can not be done by the ordinary modes of legislation, I respectfully recommend the establishment of an Agricultural Bureau, to be charged with the duty of giving to this leading branch of American industry the encouragement which it so well deserves. In view of the immense mineral resources of our country, provision should also be made for the employment of a competent mineralogist and chemist, who should be required, under the direction of the head of the Bureau, to collect specimens of the various minerals of our country and to

ascertain by careful analysis their respective elements and properties, and their adaptation to useful purposes. He should also be required to examine and report upon the qualities of different soils, and the manures best calculated to improve their productiveness. By publishing the results of such experiments, with suitable explanations, and by the collection and distribution of rare seeds and plants, with instructions as to the best system of cultivation, much may be done to promote this great national interest.

In compliance with the act of Congress, passed on the 23d of May, 1850, providing, among other things, for taking the seventh census, a superintendent was appointed, and all other measures adopted which were deemed necessary to insure the prompt and faithful performance of that duty. The appropriation already made will, it is believed, be sufficient to defray the whole expense of the work; but further legislation may be necessary in regard to the compensation of some of the marshals of the Territories. It will also be proper\* to make provision, by law, at an early day, for the publication of such abstracts of the returns as the public interests may require.

The unprecedented growth of our Territories on the Pacific in wealth and population, and the consequent increase of their social and commercial relations with the Atlantic States, seem to render it the duty of the Government to use all its Constitutional power to improve the means of intercourse with them. The importance of opening "a line of communication, the best and most expeditious of which the nature of the country will admit," between the valley of the Mississippi and the Pacific, was brought to your notice by my predecessor, in his annual message; and as the reasons which he presented in favor of the measure still exist in full force, I beg leave to call your attention to them, and to repeat the recommendations then made by him.

The uncertainty which exists in regard to the validity of land titles in California is a subject which demands your early consideration. Large bodies of land in that State are claimed under grants said to have been made by authority of the Spanish and Mexican governments. Many of these have not been perfected, others have been revoked, and some are believed to be

fraudulent. But until they shall have been judicially investigated, they will continue to retard the settlement and improvement of the country. I, therefore, respectfully recommend that provision be made by law for the appointment of commissioners to examine all such claims with a view to their final adjustment.

I also beg leave to call your attention to the propriety of extending at an early day our system of land laws, with such modifications as may be necessary, over the State of California and the Territories of Utah and New Mexico. The mineral lands of California will, of course, form an exception to any general system which may be adopted. Various methods of disposing of them have been suggested. I was at first inclined to favor the system of leasing, as it seemed to promise the largest revenue to the Government and to afford the best security against monopolies; but further reflection, and our experience in leasing the lead-mines and selling lands upon credit, have brought my mind to the conclusion that there would be great difficulty in collecting the rents, and that the relation of debtor and creditor between the citizens and the Government would be attended with many mischievous consequences. I therefore recommend that, instead of retaining the mineral lands under the permanent control of the Government, they be divided into small parcels, and sold under such restrictions, as to quantity and time, as will insure the best price, and guard most effectually against combinations of capitalists to obtain monopolies.

The annexation of Texas and the acquisition of California and New Mexico have given increased importance to our Indian relations. The various tribes brought under our jurisdiction by these enlargements of our boundaries are estimated to embrace a population of one hundred and twenty-four thousand.

Texas and New Mexico are surrounded by powerful tribes of Indians, who are a source of constant terror and annoyance to the inhabitants. Separating into small predatory bands, and always mounted, they overrun the country, devastating farms, destroying crops, driving off whole herds of cattle, and occasionally murdering the inhabitants or carrying them into captivity. The great roads leading into the country are infested with them, whereby traveling is rendered extremely dangerous,

and immigration is almost entirely arrested. The Mexican frontier, which, by the eleventh article of the Treaty of Guadalupe Hidalgo, we are bound to protect against the Indians within our border, is exposed to these incursions equally with our own. The military force stationed in that country (although forming a large proportion of the army) is represented as entirely inadequate to our own protection and the fulfillment of our treaty stipulations with Mexico. The principal deficiency is in cavalry; and I recommend that Congress should, at as early a period as practicable, provide for the raising of one or more regiments of mounted men.

For further suggestions on this subject, and others connected with our domestic interests and the defense of our frontier, I refer you to the reports of the Secretary of the Interior and of the Secretary of War.

I commend also to your favorable consideration the suggestion contained in the last mentioned report, and in the letter of the General-in-Chief, relative to the establishment of an asylum for the relief of disabled and destitute soldiers. This subject appeals so strongly to your sympathies that it would be superfluous in me to say anything more than barely to express my cordial approbation of the proposed object.

The navy continues to give protection to our commerce and other national interests in the different quarters of the globe, and with the exception of a single steamer on the northern lakes, the vessels in commission are distributed in six different squadrons. The report of the head of that Department will exhibit the services of these squadrons and of the several vessels employed in each during the past year. It is a source of gratification that, while they have been constantly prepared for any hostile emergency, they have everywhere met with the respect and courtesy due as well to the dignity as to the peaceful disposition and just purposes of the Nation.

The two brigantines accepted by the Government from a generous citizen of New York, and placed under the command of an officer of the navy, to proceed to the Arctic seas in quest of the British commander, Sir John Franklin, and his companions, in compliance with the act of Congress, approved in May last, had, when last heard from, penetrated into a high northern



latitude; but the success of this noble and humane enterprise is yet uncertain.

I invite your attention to the view of our present naval establishment and resources presented in the report of the Secretary of the Navy, and the suggestions therein made for its improvement, together with the naval policy recommended for the security of our Pacific coast and the protection and extension of our commerce with Eastern Asia. Our facilities for a larger participation in the trade of the East, by means of our recent settlements on the shores of the Pacific, are too obvious to be overlooked or disregarded.

The questions in relation to rank in the army and navy, and relative rank between officers of the two branches of the service, presented to the Executive by certain resolutions of the House of Representatives, at the last session of Congress, have been submitted to a board of officers in each branch of the service, and their report may be expected at an early day.

I also earnestly recommend the enactment of a law authorizing officers of the army and navy to be retired from the service when incompetent for its vigorous and active duties, taking care to make suitable provision for those who have faithfully served their country, and awarding distinctions by retaining in appropriate commands those who have been particularly conspicuous for gallantry and good conduct. While the obligation of the country is to maintain and honor those who, to the exclusion of other pursuits, have devoted themselves to its arduous service, this obligation should not be permitted to interfere with the efficiency of the service itself.

I am gratified in being able to state that the estimates of expenditure for the navy in the ensuing year are less, by more than one million of dollars, than those of the present, excepting the appropriation which may become necessary for the construction of a dock on the coast of the Pacific, propositions for which are now being considered, and on which a special report may be expected early in your present session.

There is an evident justness in the suggestion of the same report, that appropriations for the naval service proper should be separated from those for fixed and permanent objects, such as building docks and navy-yards, and the fixtures attached,



and from the extraordinary objects under the care of the Department, which, however important, are not essentially naval.

A revision of the code for the government of the navy seems to require the immediate consideration of Congress. Its system of crimes and punishments had undergone no change for half a century, until the last session, though its defects have been often and ably pointed out, and the abolition of a particular species of corporal punishment, which then took place, without providing any substitute, has left the service in a state of defectiveness which calls for prompt correction. I therefore recommend that the whole subject be revised without delay, and such a system established for the enforcement of discipline as shall be at once humane and effectual.

The accompanying report of the Postmaster-General presents a satisfactory view of the operations and condition of that Department.

At the close of the last fiscal year the length of the inland mail routes in the United States (not embracing the service in Oregon and California) was one hundred and seventy-eight thousand six hundred and seventy-two miles; the annual transportation thereon forty-six million five hundred and forty-one thousand four hundred and twenty-three miles; and the annual cost of such transportation two million seven hundred and twenty-four thousand four hundred and twenty-six dollars.

The increase of the annual transportation over that of the preceding year was three millions nine hundred and ninety-seven thousand three hundred and fifty-four miles, and the increase in cost was three hundred and forty-two thousand four hundred and forty dollars.

The number of post-offices in the United States on the first day of July last, was eighteen thousand four hundred and seventeen, being an increase of sixteen hundred and seventy during the preceding year.

The gross revenues of the Department for the fiscal year ending June 30, 1850, amounted to five millions five hundred and fifty-two thousand nine hundred and seventy-one dollars and forty-eight cents, including the annual appropriation of two hundred thousand dollars for the franked matter of the Depart-

ments, and excluding the foreign postages collected for and payable to the British government.

The expenditures for the same period were five millions two hundred and twelve thousand nine hundred and fifty-three dollars and forty-three cents, leaving a balance of revenue over expenditures of three hundred and forty-thousand and eighteen dollars and five cents.

I am happy to find that the fiscal condition of the Department is such as to justify the Postmaster-General in recommending the reduction of our inland letter postage to three cents the single letter when prepaid, and five cents when not prepaid. He also recommends that the prepaid rate shall be reduced to two cents whenever the revenues of the Department, after the reduction, shall exceed its expenditures by more than five per cent for two consecutive years; that the postage upon California and other letters sent by our ocean steamers shall be much reduced; and that the rates of postage on newspapers, pamphlets, periodicals, and other printed matter, shall be modified, and some reduction thereon made.

It can not be doubted that the proposed reductions will, for the present, diminish the revenues of the Department. It is believed that the deficiency, after the surplus already accumulated shall be exhausted, may be almost wholly met, either by abolishing the existing privileges of sending free matter through the mails, or by paying out of the treasury to the Post-office Department a sum equivalent to the postage of which it is deprived by such privileges. The last is supposed to be the preferable mode, and will, if not entirely, so nearly supply that deficiency as to make any further appropriation that may be found necessary so inconsiderable as to form no obstacle to the proposed reductions.

I entertain no doubt of the authority of Congress to make appropriations for leading objects in that class of public works comprising what are usually called works of internal improvement. This authority I suppose to be derived chiefly from the power of regulating commerce with foreign nations and among the States, and the power of levying and collecting imposts. Where commerce is to be carried on, and imposts collected, there must be ports and harbors, as well as wharves and

custom-houses. If ships, laden with valuable cargoes, approach the shore or sail along the coast, light-houses are necessary at suitable points for the protection of life and property. Other facilities and securities for commerce and navigation are hardly less important; and those clauses of the Constitution, therefore, to which I have referred, have received from the origin of the government a liberal and beneficial construction. Not only have light-houses, buoys, and beacons been established, and floating lights maintained, but harbors have been cleared and improved, piers constructed, and even breakwaters for the safety of shipping, and sea-walls to protect harbors from being filled up and rendered useless by the action of the ocean, have been erected at very great expense. And this construction of the Constitution appears the more reasonable from the consideration that if these works, of such evident importance and utility, are not to be accomplished by Congress, they can not be accomplished at all. By the adoption of the Constitution the several States voluntarily parted with the power of collecting duties of impost in their own ports, and it is not to be expected that they should raise money by internal taxation, direct or indirect, for the benefit of that commerce, the revenues derived from which do not, either in whole or in part, go into their own treasuries. Nor do I perceive any difference between the power of Congress to make appropriations for objects of this kind on the ocean and the power to make appropriations for similar objects on lakes and rivers, wherever they are large enough to bear on their waters an extensive traffic. The magnificent Mississippi and its tributaries, and the vast lakes of the North and the Northwest, appear to me to fall within the exercise of the power, as justly and as clearly as the ocean and the Gulf of Mexico. It is a mistake to regard expenditures judiciously made for these objects as expenditures for local purposes. The position or site of the work is necessarily local, but its utility is general. A ship-canal around the Falls of St. Mary of less than a mile in length, though local in its construction, would yet be national in its purpose and its benefits, as it would remove the only obstruction to a navigation of more than a thousand miles, affecting several States, as well as our commercial relations with Canada. So, too, the

breakwater at the mouth of the Delaware is erected, not for the exclusive benefit of the States bordering on the bay and river of that name, but for that of the whole coastwise navigation of the United States, and, to a considerable extent also, of foreign commerce. If a ship be lost on the bar at the entrance of a Southern port for want of sufficient depth of water, it is very likely to be a Northern ship; and if a steamboat be sunk in any part of the Mississippi, on account of its channel not having been properly cleared of obstructions, it may be a boat belonging to either of eight or ten States. I may add, as somewhat remarkable, that among all the thirty-one States there is none that is not, to a greater or less extent, bounded on the ocean, or the Gulf of Mexico, or one of the great lakes, or some navigable river.

In fulfilling our Constitutional duties, fellow-citizens, on this subject, as in carrying into effect all other powers conferred by the Constitution, we should consider ourselves as deliberating and acting for one and the same country, and bear constantly in mind that our regard and our duty are due, not to a particular part only, but to the whole.

I therefore recommend that appropriations be made for completing such works as have been already begun, and for commencing such others as may seem to the wisdom of Congress to be of public and general importance.

The difficulties and delays incident to the settlement of private claims by Congress amount in many cases to a denial of justice. There is reason to apprehend that many unfortunate creditors of the Government have thereby been unavoidably ruined. Congress has so much business of a public character, that it is impossible it should give much attention to mere private claims, and their accumulation is now so great that many claimants must despair of ever being able to obtain a hearing. It may well be doubted whether Congress, from the nature of its organization, is properly constituted to decide upon such cases. It is impossible that each member should examine the merits of every claim on which he is compelled to vote; and it is preposterous to ask a judge to decide a case which he has never heard. Such decisions may, and frequently must, do injustice either to the claimant or the Government;



and I perceive no better remedy for this growing evil than the establishment of some tribunal to adjudicate upon such claims. I beg leave, therefore, most respectfully to recommend that provision be made by law for the appointment of a commission to settle all private claims against the United States; and, as an *ex parte* hearing must in all contested cases be very unsatisfactory, I also recommend the appointment of a solicitor, whose duty it shall be to represent the Government before such commission, and protect it against all illegal, fraudulent, or unjust claims, which may be presented for their adjudication.

This district, which has neither voice nor vote in your deliberations, looks to you for protection and aid; and I commend all its wants to your favorable consideration, with a full confidence that you will meet them not only with justice, but with liberality. It should be borne in mind that in this city, laid out by Washington and consecrated by his name, is located the Capitol of our Nation—the emblem of our Union and the symbol of our greatness. Here also are situated all the public buildings necessary for the use of the Government, and all these are exempt from taxation. It should be the pride of Americans to render this place attractive to the people of the whole Republic, and convenient and safe for the transaction of the public business and the preservation of the public records. The Government should, therefore, bear a liberal proportion of the burdens of all necessary and useful improvements; and as nothing could contribute more to the health, comfort, and safety of the city, and the security of the public buildings and records, than an abundant supply of pure water, I respectfully recommend that you make such provisions for obtaining the same as in your wisdom you may deem proper.

The act passed at your last session, making certain propositions to Texas for settling the disputed boundary between that State and the Territory of New Mexico, was, immediately on its passage, transmitted by express to the Governor of Texas, to be laid by him before the General Assembly for its agreement thereto. Its receipt was duly acknowledged but no official information has yet been received of the action of the General Assembly thereon; it may, however, be very soon expected, as, by the terms of the propositions submitted, they



were to have been acted upon on or before the first day of the present month.

It was hardly to have been expected that the series of measures passed at your last session, with the view of healing the sectional differences which had sprung from the slavery and territorial questions, should at once have realized their beneficent purposes. All mutual concession in the nature of a compromise must necessarily be unwelcome to men of extreme opinions. And though without such concessions our Constitution could not have been formed, and can not be permanently sustained, yet we have seen them made the subject of bitter controversy in both sections of the Republic. It required many months of discussion and deliberation to secure the concurrence of a majority of Congress in their favor. It would be strange if they had been received with immediate approbation by people and States prejudiced and heated by the exciting controversies of their Representatives. I believe those measures to have been required by the circumstances and condition of the country. I believe they were necessary to allay asperities and animosities that were rapidly alienating one section of the country from another, and destroying those fraternal sentiments which are the strongest supports of the Constitution. They were adopted in the spirit of conciliation, and for the purpose of conciliation. I believe that a great majority of our fellow-citizens sympathize in that spirit and that purpose, and in the main approve and are prepared in all respects to sustain these enactments. I can not doubt that the American people, bound together by kindred blood and common traditions, still cherish a paramount regard for the Union of their fathers; and that they are ready to rebuke any attempt to violate its integrity, to disturb the compromises on which it is based, or to resist the laws which have been enacted under its authority.

The series of measures to which I have alluded are regarded by me as a settlement, in principle and substance—a final settlement of the dangerous and exciting subjects which they embraced. Most of these subjects, indeed, are beyond your reach, as the legislation which disposed of them was in its character final and irrevocable. It may be presumed, from the opposition which they all encountered, that none of those measures

were free from imperfections; but in their mutual dependence and connection they formed a system of compromise the most conciliatory and best for the entire country that could be obtained from conflicting sectional interests and opinions.

For this reason I recommend your adherence to the adjustment established by those measures until time and experience shall demonstrate the necessity of further legislation to guard against evasion or abuse.

By that adjustment we have been rescued from the wide and boundless agitation that surrounded us, and have a firm, distinct, and legal ground to rest upon. And the occasion, I trust, will justify me in exhorting my countrymen to rally upon and maintain that ground as the best, if not the only, means of restoring peace and quiet to the country, and maintaining inviolate the integrity of the Union.

And now, fellow-citizens, I can not bring this communication to a close without invoking you to join me in humble and devout thanks to the Great Ruler of nations for the multiplied blessings which he has graciously bestowed upon us. His hand, so often visible in our preservation, has stayed the pestilence, saved us from foreign wars and domestic disturbances, and scattered plenty throughout the land.

Our liberties, religious and civil, have been maintained; the fountains of knowledge have all been kept open, and means of happiness widely spread and generally enjoyed greater than have fallen to the lot of any other nation. And while deeply penetrated with gratitude for the past, let us hope that His all-wise providence will so guide our counsels as that they shall result in giving satisfaction to our constituents, securing the peace of the country, and adding new strength to the united Government under which we live.

This is one of most tersely written, comprehensive, business-like, able and frank of all the Presidential messages, omitting nothing and saying only what was necessary. The rare art of not saying too much and stopping when he got through few public men knew better than President Fillmore. This

message is important as an accurate sketch of the passing history of the country, and as the first extended expression of the views of the new President. With a brief, clear argument he declares his determination to execute the laws, and maintain the Constitution; and at the same time, with reasons, states his faith in the justness of the recent Compromise Measures, their final settlement of the irritating sectional differences, and his own ready acceptance of them.

“I entertain no doubt of the authority of Congress to make appropriations for leading objects in that class of public works comprising what are usually called works of internal improvement.” This old Whig doctrine the President did not hesitate to put forward, and defend by a plain and brief statement, notwithstanding the majority against him in Congress. The revision of the tariff he had been chiefly instrumental in establishing, is recommended. The old and everlasting Indian question, which it has been claimed this country never could comprehend and manage, also comes in for a share of Mr. Fillmore’s attention. The great theme of human slavery was soon to be settled forever on this continent, but a century more of hard treatment and the sword would be required to dispose of the incomprehensible red man. The Indian question has but one solution, however men deal with and speculate upon it. It is a natural law that the worthless, rude, weak, and uncultured should give way before the strong, useful, and refined. This remarkable and interesting fact is

expressed in these words by J. C. Wood, the English naturalist, in his recent work on "Man and Beast:"—

"Indeed, it is a fact that, whenever man and beast are brought into contact, those which possess natures capable of elevation and development cleave to him, court him, and thrive by his presence; whereas those which are incapable of improvement perish before his presence. It is the same with the human race. When civilized man comes in contact with a barbarian, the latter rapidly tends towards civilization, throws off his barbarian customs, adopts those of the superior being, learns by degrees his arts and sciences, and so gradually merges into civilization. With the savage the case is different. He can not learn anything good from the higher race. He may, and does, gain means by which to develop more completely his evil tendencies, but is utterly incapable of improvement. He can neither replenish the earth nor subdue it, and so he perishes before the presence of those who do, at all events, endeavor to carry out that which is the great mission of man. Wherever civilized man sets his foot the savage dies out."

This message was regarded as a model by the press, and, except by extremists, was received with general commendation, and in several Northern cities public meetings adopted resolutions in its praise. The prospects of peace, and the ordinary pursuits of happiness, are powerful stimulants to compromise. Even the sacrifice of a little principle is possible in view of them, with most men, perhaps. And although it is held that General Taylor would have taken the same course on the Compromise Measures as did Mr. Fillmore, there were not wanting those who believed that at least doubtful, and to the men of peace who



doubted, there was additional cause of rejoicing in the happy turn given to affairs under President Fillmore.

In one of Daniel Webster's private letters, written September 12, 1850, there is found this language:—

“MY DEAR SIR,—I think the country has had a providential escape from very considerable dangers. I was not aware of the whole extent of the embarrassment likely to arise till I came here, last December, and had opportunities of conversation with General Taylor and the gentlemen of his Administration. General Taylor was an honest and truly patriotic man; but he had enough of that quality, which, when a man is right, we call firmness, and when he is wrong, we denominate obstinacy. What has been called the President's plan, was simply this, to wit, to admit California under her free constitution, and to let the Territories alone together, until they could come in as States. This policy, as it was thought, would avoid all discussion and all voting on the question of the Wilmot Proviso. All that matter, it was supposed, might be thus postponed and the slavery question staved off. The objection to this plan was the same as that to poor King Lear's idea of shoeing a company of horse in felt, and stealing upon his enemies. It was flatly impossible; that's all. But the purpose was settled and decided. General Taylor told me, in the last conversation I had with him, that he preferred that California should not come in at all, rather than that she should come in bringing the Territories on her back. And if he had lived, it might have been doubtful whether any general settlement would have been made. He was a soldier and had a little fancy, I am afraid, to see how easily any military movement by Texas could have been put down. His motto was: ‘*Vi et armis.*’ He had a soldier's foresight, and saw quite clearly



what would be the result if Texan militia should march into New Mexico, and there be met by troops of the regular army of the United States. But that he had a statesman's foresight, and foresaw what consequences might happen in the existing state of men's opinions and feelings, if blood should be shed in a contest between the United States and one of the Southern States, is more than I am ready to affirm."

Had Mr. Webster's suspicions as to the course General Taylor would have taken been well founded, here would have been a glimpse of the "mysterious hand of Providence" ordinarily so little discovered in the so-called untimely deaths of Harrison and Taylor, and the cold-blooded and unfortunate murders of two later Presidents.

This course would have led at once to war between the sections, the war for slavery. And had General Taylor not taken this unwise direction he would have done no more than sign the Compromise Measures and enforce them, which his successor did peaceably but effectively as it was possible to do. Beyond this there was no ground on which his administration of public affairs could have resulted more beneficially to the country than did that of Mr. Fillmore. He was not the man to originate great schemes for the amelioration of human society or the advance of human government, nor did he live at an age when such schemes were demanded.

At this remote day it might be deemed possible to consider calmly the part that Providence has taken in these "dispensations," or get out of them the consolations that "time and tide" may reveal. Daniel

Webster distinctly states in this letter not long after the death of General Taylor that he considered that the country had providentially escaped some dangers. That is, by the fortunate change in the Administration. That the hand of Providence may never be seen on this earth in the affairs of men does not at all invalidate the theory that it does embrace them, or that in the system of Providence the very hairs of the head are taken into the account. The speculations to the effect that a good and all-wise Providence should allow no evil to befall His creatures; that He should prevent premature and sad deaths; that He should stay the hand of the assassin, and especially of rulers and men in high places; that He should prevent or remove all crimes and sorrows; that He forgets men or takes no note of them; that He must be hallooed to, and then heeds not loud or dictatorial prayers; and that He is not good or these things could not exist, are often wicked, more often foolish, and seldom worthy of intelligent, respectful consideration. It would perhaps be difficult for an "old-line" Clay Whig even at this day to see what good there was in substituting John Tyler for General Harrison, and yet with all their vilification of Mr. Tyler, there is not a Whig nor a descendant of one now living who would say that this country did not escape a calamity in the failure to recharter the old United States Bank or establish a new one on the same principle.

General Taylor could not have improved upon the Administration of Millard Fillmore; and although

some of his admirers said that all the world could not beat him for the next term, and although even Horace Greeley was led at last to say that he died too soon for the good of his country, yet these are but speculations. The men who, in the spirit of compromise, kept off for so long the final inevitable struggle of slavery, until the country was ripe for it, did a great work; but their services were ended as events thickened for the conflict.

It would be difficult for the most philosophic or most submissive to see even now the good which in any way came upon the Nation in the death of Abraham Lincoln. That it softened the hearts of many, and strengthened and confirmed the cause for which they had fought, and sealed the greatness of the work they had done, there may be no doubt. His sacrifice and that of many thousands more were, perhaps, not too great an equivalent for the removal of the endless source of discord and sectional hate, for the unification of the Nation.

With the shooting and the after sufferings of President Garfield the sympathies of the world were aroused, the progress of national brotherhood was advanced, all parts of the Union were pressed closer together, and the remains of the old issues weakened and removed farther back from the cares and hopes of to-day. A Nashville paper, at the time of this national bereavement, stated that this was the first thing which had occurred since the war which excited towards the North the sympathy of, or aroused to any extent the old feeling of patriotism in, South-

ern women—a part of that class gushingly taken to be the most tender-hearted, forgiving, loving, and god-like of the human race.

And after all that may be said, after the lapse of years and the illustrations of history, it is not pleasant nor satisfactory to reflect on these events; and a stoic hardness alone, perhaps, could say they were but “blessings in disguise.” Time, like sorrow, weakens selfhood and pride, softens the heart, and prepares the way, in the face of insufficient natural evidence, for the supreme state in which all cavil is hushed in “Thy will be done.”

When Abraham Lincoln was struck down by the assassin, that one of his successors next to fall in the same way cried: “The Lord reigneth, and the Government at Washington still lives.” When Garfield’s own wonderful struggle was over, this memorable saying was made one of the many themes of fond comment. Amidst all calamities, and above all misfortunes, the first thought in the mind of this brave, true man was that “the Lord reigneth.” But this leads me to end this line of reflection with some extracts from one of the beautiful pulpit discourses delivered in September, 1881, and which contains about all there seems to be in the yet mysterious Providence whose ways are not man’s ways:—

“Whatever may be the appearance, therefore, from a human and external point of view, we must conclude that the Lord reigns and directs all things, the least as well as the greatest, the conduct of nations as well as of individuals, for human good. . . .



“If, therefore, the question is asked why the Lord does not prevent this evil, or do that particular good, one of the answers is, Because he can not do it without injury to man’s freedom, and consequently without doing him the greatest of all injuries. From this point of view we may be able to see the difference between providence and permission. The Lord provides good, and only good; but he permits evil because there is no way of preventing it without doing a greater evil. This is a most important distinction. For the want of the knowledge of it men have made God the author of evil as well as of good. Even now we hear men talk of this mysterious dispensation of the Divine providence. It is not a dispensation of the Divine providence. The Lord has not visited the nation with this great trouble, and brought this sore distress upon us. He had nothing to do with the diabolical act. The Divine providence is the government of the Divine love and wisdom. Only good can come from love and wisdom. The Lord can not provide any evil or suffering of any kind. He never cast a shadow over a human heart. He never caused a pang in any human body or soul. That is a fact which ought to be settled in every intelligent mind. Perfect love can not provide or inflict evil; perfect wisdom can not lead to error. The Lord was not in any way a partaker or favorer of the awful crime which has filled the world with sorrow. Let us absolve him from all complicity with the terrible deed.

“But He did permit it. Why? is the question which rises from millions of sorrowing hearts. I answer, and all the principles of the Divine love and wisdom answer, For the same reason that he permitted evil in its origin, and all the sins and sorrows which have sprung from that bitter root, and that is because he could not prevent it without doing a greater injury to our nation and to every human being than it would be to permit it; because he could not do it without violating his own laws, which are the



embodiment of infinite wisdom, and by so doing would act contrary to himself, which would be impossible in the nature of things. If any one doubts this fact, and holds that he could have prevented this assassination by the exercise of arbitrary power, then it necessarily follows that he could have prevented the first sin in the same way, and every one which has blasted the hopes of humanity and filled the world with suffering and woe. Admit that the Lord could have prevented one evil which has ever existed, and you admit that he could have prevented every one; and that involves the terrible charge that the Lord can prevent all human misery by the exercise of his omnipotent power, but is not willing to do it. Could infinite Love withhold the word which would banish sin and misery from earth and hell if by his omnipotent fiat they could be annihilated? Why, then, did the Lord permit the fatal shot which bereaved a Nation? Because he could not prevent it. To have done so would have been to act contrary to his providence. It is of his providence that man should will and think, and, as far as possible, act in freedom. It is of his providence that effects should grow out of causes in an immutable order, according to an immutable law. It is of his providence that the human body should perform its functions, according to the laws of its organization. When that organization is impaired by disease or violence, it can not fully do its work. When it is destroyed, its functions must cease. To have interposed in an arbitrary way to prevent the death of our President would have been stepping out of the order of his infinite wisdom; it would have been acting against himself. We conclude, therefore, that the Lord could not prevent what, from a natural point of view, we must regard as his untimely death. But if the Lord can not prevent evil, he provides that it shall do as little harm as possible, and shall serve the greatest possible amount of human good. . . .

“It is of the Divine providence that men should be shocked by direful deeds and aroused to remove their causes. It is of the Divine providence that sorrow and suffering should awaken sympathy, allay partisan feeling, soften the hardness of our natures, and dissuade from the fierce conflicts for place and power. It is provided in the constitution of our natures that a strong interest in a common cause, and deep sympathies awakened by a common sorrow, should obliterate old grievances and draw us together, assimilate our natures, and bind us to one another by a common bond. Abhorrence of great and fiendish crimes is implanted in our natures, and when aroused it calls forth the most powerful efforts to punish the guilty and protect the innocent. The Lord has so compounded man’s nature; and, therefore, it is of his providence that we should be charmed by exalted virtues and heroic deeds, and that they should awaken aspirations to imitate them. He lifts us above the common level of ourselves by noble examples, and leads us to follow them. He provides standards of excellence by which we can measure others, and know what service justly to demand of them. Thus we can see that, without doing any violence to his divine order, the Lord has provided for every exigency in man’s life, both as an individual and a nation. He has provided that we may obtain the greatest blessings consistent with our supreme good, which is the preservation of our freedom of will, from our prosperity and adversity, from a momentary personal pleasure or pain to those tragedies which fill every heart with fear and sorrow. He provides no evil, no sorrow. He provides good and good only, that evil may do the least harm, and be the occasion of bestowing a blessing. “The Lord reigneth; let the earth rejoice.”

## CHAPTER XII.

TROUBLES OF THE ADMINISTRATION — SLAVERY — LOPEZ  
AND CUBA.

“THE second session of the Thirty-First Congress commenced on Monday, the 2d of December, 1850, and terminated with the expiration of their term, at noon of the 4th of March, 1851. A considerable portion of the time of this short term was taken up in unprofitable discussions on various subjects, and many important bills which were matured by the committees of the two Houses remained to be acted upon the last two weeks of the session. The consequence was the failure of many measures in which much interest was felt by the public. Some of these bills were lost through the pressure of business and want of time; others through the violence of opposition to the bills. Among the latter was the River and Harbor Appropriation Bill, which involved principles always disputed by that portion of the Democratic party who adhered to the strictest construction of the Constitution, as particularly set forth in the veto message of the late President Polk, and some of his predecessors, denying to the National Government full powers to construct works of internal improvement, or those works deemed of local character. A majority of the House of Representatives had passed a bill making appropriations on a liberal scale for the improvement of rivers and harbors, but it was defeated in the Senate on the last night of the session, although a majority of that body were favorable to the measure, by the pertinacity and tact of the opposition, in preventing a

direct vote upon the bill. A bill making appropriations for French spoliations on American commerce previous to the year 1800 was also lost; likewise a joint resolution creating the grade of lieutenant-general in the army, intended in honor of Major-General Scott, for his long military career in the service of the country.

“Among the most important bills passed were the Civil and Diplomatic Appropriation Bill; the Army and Navy Appropriation Bills; a bill establishing new post-offices and post-routes; a bill making appropriations for light-houses; an act to divide the district of Arkansas into two judicial districts; an act to reduce and modify the rates of postage, by which the rates of postage on single letters were reduced to three cents on all prepaid letters, and five cents if not prepaid, on all distances under three thousand miles, and double those rates for distances exceeding three thousand miles. A similar reduction was made by the bill in the postage of newspapers and periodicals. Acts also passed, to amend the regulations for the appraisement of merchandise imported; to ascertain and settle private land claims in California; to found a military asylum for the relief and support of invalid and disabled soldiers of the army of the United States; joint resolutions for the appointment of regents of the Smithsonian Institution; directing the distribution of the works of Alexander Hamilton (printed from papers previously purchased by Congress); and one authorizing the President to send a Government vessel to the Mediterranean to bring Kossuth, the Hungarian General, and other exiles among his countrymen, to the United States.

“Thus terminated the labors of the Thirty-first Congress, which, during its official term, had been more days in session than any preceding Congress since the adoption of the Federal Constitution. The peculiar circumstances of the times and the agitation of questions of vital interest, caused the consumption of much of the time of each

session, but several highly important measures were settled, after arduous debates, tending to the perpetuity of the Union and the national prosperity."

The great topics yet exciting public attention were the Compromise Measures, their reception North and South, and affairs growing out of them. While on "sick leave" in November, 1850, Mr. Webster wrote to the President from Boston:—

"On public subjects things are here becoming quiet. The excitement caused by the Fugitive Slave Law is fast subsiding, and it is thought that there is now no probability of any resistance, if a fugitive should be arrested. Thousands of young men have tendered their services to the marshal at a moment's warning. There is an evident and vast change of public opinion in this quarter since the adjournment of Congress."

But Mr. Webster overestimated the peaceful tendency of affairs in Boston. Not long after this note was sent to the President, at a public meeting in Faneuil Hall it was declared that, "Constitution or no Constitution, law or no law, we will not allow a fugitive slave to be taken from the State of Massachusetts." In the following February the matter was tested in Boston, when a mob broke open the jail and released a supposed fugitive from slavery; and then Mr. Webster wrote to the United States Marshal, from Washington, February, 1851:—

"Information has reached this city, through the newspapers and private letters, that the execution of the Fugitive Slave Law has been forcibly resisted in the city of Boston by a lawless mob, which overpowered the officers of the law; and the President is surprised that no official



information has been received from you respecting this occurrence."

This wordy little dispatch shows the anxiety the President and his Cabinet entertained on account of this slave-hunting business in the North. But this was by no means the extent of their anxiety, as has already been shown.

A newspaper called the "Southern Press" had been established in Washington during the summer of 1850, the object of which, it was announced, was "to enlist every Southern man in a Southern cause, and in defense of Southern rights, be he Whig or be he Democrat." This organ announced that the time had come for all Southern men to unite for the purposes of self-defense. But this paper was, fortunately, of short duration. In November, 1850, the Nashville Convention reassembled, and although little came of its work, it was watched with interest from Washington.

The diplomatic affairs of the country were now also somewhat disturbed, and this had been the chief cause of leading Mr. Clay and others to urge the appointment of Daniel Webster as Secretary of State. It was no time to fill this important place in the Cabinet with a man unknown and without influence abroad.

With the beginning of General Taylor's Administration the versatile and unsteady Robert P. Letcher, of Kentucky, had been sent as Minister to Mexico; and to him Mr. Clayton, then Secretary of State, had forwarded the form of a treaty to be entered

into with that country as to the rights of citizens of the United States in the Isthmus of Tehuantepec. In 1842 the Mexican government had guaranteed to Garay, a Mexican, the right to build a railroad across the Isthmus. In 1848, in the treaty of peace with Mexico, the United States failed in the attempt to buy or secure the right of way across this Isthmus because the good faith of Mexico, it was claimed, was due to some Englishmen, who had purchased the rights and privileges of De Garay. In 1849, however, all these rights were transferred to Americans; and Peter A. Hargous, of New Orleans, who represented them, applied to Mr. Clayton to secure a convention with Mexico to reaffirm or protect the rights they had bought. On the 2d of June, 1850, this convention was signed. But they were still suspicious of the good faith of the Mexican authorities, and Hargous induced Mr. Webster to send another modified form of treaty to Mr. Letcher. In January, 1851, this treaty was also signed; but it met great opposition from the new Mexican administration, and after a spirited correspondence on the part of Mr. Webster and the Mexican Minister of State, and much hard work and fuming on the part of Mr. Letcher, on the 7th of April, 1852, Mexico declined to ratify the treaty. The American Company had already begun work on the Isthmus road; and now they were not only stopped, but a number of the workmen arrested by the Mexican authorities. This whole business was in keeping with the characteristic diplomatic villainy of Mexico.

The guarantees of De Garay were valid and binding; his transfer of his rights to British subjects had been recognized at the time of the treaty of Guadalupe-Hidalgo; and all the rights were reaffirmed in the American purchasers, in the convention of June, 1850. But the American Secretary of State was very urgent in his demands on Mexico; and like many of the recent dealings of this Government with that country, there was a Mexican side to the case.

In a letter to Mr. Crittenden, dated October 20, 1850, at the City of Mexico, Mr. Letcher, who was always greatly concerned about his own comfort, wrote:—

“Mr. Webster’s amendments to the treaty were received about ten days ago. I have succeeded in getting the whole of them adopted, with the exception of two. Marks can tell you all about it. They never can be carried, if tried to the day the great judgment-gun shall be fired. I have tried every argument, every persuasion, every threat, to prevail upon the cabinet to accept these two amendments, in vain. In fact, I tried very hard to have these amendments inserted in the original treaty, for three months. I believe I could prevail upon these folks to cede the whole country to the United States sooner than agree to these modifications. I won’t trouble you with these matters. Unhappy as I am here, anxious as I am to return home, I will not quit my post till the end of this treaty is seen. I have some reason to believe Mr. Webster is not satisfied with my negotiations in regard to this treaty. This fills me with the deepest concern. It is utterly impossible for Mr. Webster to know and see things in this country as they really exist. Under all the circumstances, I know it was right to sign that treaty; I

care not who thinks to the contrary. Mr. Webster shall have a chance of appointing some one in my place who suits him better. I have worked hard since I have been in this country, and expect but little thanks; but I do n't deserve censure or reproach. I do n't mean to utter a word of complaint against Mr. Webster, or to say to any one else what I have said to you, unless it becomes necessary in my own defense, and then I'll say a damned deal. The truth is I feel a little desperate, and as cross as —, at the idea of being reproached. Damn the treaty; it's opposed by all the foreign influence, by the opposition party, and by all the moneyed and commercial men of this country in solid column. The newspapers have openly charged me with forcing the government to make it. They have charged me with the crime of controlling this government as I please. The foreign ministers talk the same way. So I am, you may well imagine, worried to death, and get no thanks for it."

The small troubles of Minister Letcher were not to be compared with the great ones Mr. Webster was himself having. Besides his efforts in every possible way with those of the whole Cabinet to pacify the country, his individual annoyances were considerable. Among other things, he was accused of having accepted from some source fifty thousand dollars to induce him to enter the Cabinet. This story was, of course, wholly untrue. Mr. Webster's expenses as Secretary of State were large, and the extent of his offense was in using a few thousand dollars sent to him while in office by friends to help defray these enormous expenses. He entered the Cabinet at this time at the sacrifice of his pecuniary interest there is no doubt, and from two motives

mainly: with a view of doing his duty to his country as a public man, from his great pride of power and distinction, and the advancement of his political chances.

It is not necessary to attempt to decide between these motives, but every American knows that in the great moments of Mr. Webster's life patriotism, unalloyed patriotism, ruled every other consideration. Mr. Letcher gratified himself in swearing and scolding at his friends, and continued to do the best he could in his mission. In December, 1851, Mr. Webster wrote him:—

“DEAR SIR,—I have written you a dispatch principally upon the subject of the Tehuantepec Treaty. There is nothing in that letter which you may not make known to the Mexican government, but in your conversation with the Secretary of Relations you may give even stronger admonitions. You may say that if the treaty is not ratified, or some new one agreed to which shall answer the same purpose, it is certain that various consequences will result, and Mexico must be persuaded to act promptly. Any considerable delay will be ruinous. The temper of the people and the disposition of Congress are both assuming a very decided tone upon this matter, especially since the proposition in the Mexican Senate to transfer this right to England. We must rely on you, my dear sir, to exert all your influence and energy to bring this business to a favorable and an immediate termination.”

In May, 1851, Mr. Fillmore and the greater part of his Cabinet made a trip to New York, ostensibly to be present at the opening of the Erie Railroad.



Along the route of this road, and at other places on the journey, the President made little speeches, and at Baltimore, Philadelphia, New York City, Rochester, Buffalo, and other points, he was received with the usual demonstrations of respect. On the 24th of May the President and his friends returned to Washington, with the exception of Mr. Webster, who, on account of the illness of his son, was stopped at Dunkirk, and afterwards had an "ovation" of his own along the route which had been taken by the President, and in some of his brilliant speeches managed to lay himself liable to criticism.

Congress had at its last session appropriated money for extending the Capitol by two wings, and on the 4th of July the President, with appropriate ceremony, laid the corner-stone of the new addition. The Secretary of State was the chief orator on the occasion, and was highly praised for his grand display of patriotism. It had been the desire of the Administration to turn this affair to advantage in softening the asperities of the times, and in this calculation there was no mistake. The emblems and tools used by Washington in laying the corner-stone of the original building were now brought into service, as were some old citizens who had been present at the first ceremony.

The United States and Spain at this time were not on the best of terms, and the nature of the difficulty was such as to involve, to some extent, the interests of France and England. Narcisso Lopez, a South American, was the primary cause of this

trouble, and his schemes were especially favored in the Southern States by adventurous young men and others who hoped to make an outlet for slavery by the conquest and annexation of Cuba. For some years Lopez had been a resident and citizen of Cuba. In 1848 he headed an insurrection, which was soon suppressed and himself condemned to die; but he escaped to this country, where he found plenty of sympathizers, and quite a number of followers.

In 1849 he had about completed arrangements for making a descent upon the island with a handful of men, when arrested by a proclamation of President Taylor, and preparations on the part of the Government of the United States to arrest such unlawful expeditions against the territory of a friendly nation. But the filibustering spirit was thoroughly aroused in the South, and was not so easily put down.

In the summer of 1850 he was more successful, and this time conducted his movements with such secrecy as to be able to avoid the watchfulness of the Government agents, and with six hundred and fifty-two men escaped from New Orleans in the steamer *Creole* and two small sailing vessels. At Contoy, off the Coast of Yucatan, discovering for the first time the destiny of the expedition, fifty-two of these men refused to go farther, and returned home. Lopez finally decided to land at Cardenas, on the north coast, a hundred and twenty or thirty miles from Havana, where he believed he would soon be

joined by the native population that he knew to be opposed to the tyrannous and unjust government in the interest of Spain. From this point he hoped to march with a constantly augmenting force to Matanzas. On the 19th of July he landed at Cardenas, although the Captain-General, having been apprised of his designs, was pursuing him with several war vessels. A part of the troops of the garrison withdrew to the outskirts of the town without making much opposition to the landing of the invaders, but Ceruti, the Governor, and a small force, took possession of the government building for the purpose of fighting; but the invaders made short work of them. The building was set on fire, and the Governor and his band compelled to surrender after a short skirmish. Ceruti's soldiers joined the filibusters, and he and several of his officers were held as prisoners.

Here the whole affair unfortunately ended. Lopez was disappointed in not being joined by the natives. He had been led to believe they would flock to his standard in every direction; but they were stunned by the sudden irruption, and were waiting to see the turn affairs would take. In the meantime the government authorities, who seemed to be apprised beforehand of every kind of menace against them by some members of a mixed, treacherous race, who would betray themselves if betrayal could not some other way be effected, were not idle. Three or four thousand troops were far on the way from Havana, and the Governor of Matanzas was

marching with a considerable force to the scene of action. The enthusiastic Lopez saw that further resistance would be worse than useless, and at once ordered the re-embarkation of his little force. In the meantime, however, the infantry in the suburbs, having been re-enforced by a squad of cavalry, made an attempt to cut off the retreat. But they were no match for the Americans, and after seeing their cavalry fall before a deadly fire, took to their heels and left the invaders to embark in safety. Lopez soon afterwards discovering himself pursued by the *Pizarro*, landed his prisoners at Cayo de Piedras, and sailed for the United States. He was arrested by the Government authorities at Savannah, but his schemes being popular at the South, he was soon released, and began at once to organize another expedition.

Although his movements were exceedingly secret, the Administration at Washington had a vigilant watch upon them, and on the 25th of April, 1851, the President issued a proclamation threatening the punishment of all persons connecting themselves with such unlawful enterprises. This act of the President was also highly praised by orderly and correct-thinking people in all parts of the country; but something more was needed to quench the irregular piratic spirit of adventure then manifest in the country. Closely scrutinized at Savannah, Lopez shifted his rendezvous to New Orleans. From this place he again escaped on the 2d of August, and on the 11th of August, 1851, landed with about four

hundred poorly equipped followers near Bahia Honda, at Playitas. This small force was composed chiefly of Americans, with about fifty Cubans, and some of the officers were German and Hungarian adventurers, Pragay, a Hungarian General, being second to Lopez in command.

This expedition was planned better than it seemed to be, but circumstances to some extent forced the General to act precipitately and without military calculation or skill. After leaving New Orleans it was the design of Lopez to go to Florida, and at the St. John's River thoroughly arm the force, and supply it with cannon and ammunition. He then contemplated taking a strong position in the mountains, from which he could draw around him a native force sufficient to make him master of the island. At Key West he gained exaggerated reports from Cuba favorable to his purposes, and finding that his vessel, the *Pampero*, was not supplied with fuel for the voyage he had planned, concluded to steer for the island at once, and having landed his troops and begun operations, to send the *Pampero* to Florida for the additional supplies. During the night of the 10th, while the machinery of the boat was stopped for repairs, the Gulf Stream carried her out of her course, and directly toward Havana. After being finally discovered by the watchful Spaniards, and narrowly escaping, he landed about midnight on the 11th of August. Confident of success, he started the *Pampero* at once for military supplies and re-enforcements to the coast of Florida, leaving



himself and his fated band without means of escape. Colonel Crittenden, with one hundred and twenty men and the greater part of the ammunition, was left at Playitas, while Lopez pushed on to Las Pozas, where he expected to collect the means of transportation. At this village, chiefly deserted on his approach, he learned that a considerable Spanish force had already landed at Bahia Honda. He immediately forwarded all the carts he could gather to Crittenden, and ordered him to press forward with his force and the few barrels of powder and other munitions in his possession. But Crittenden seemed to be in no hurry, and only a few of his men ever reached Lopez. Lopez had with him about two hundred and seventy-five followers, desperate men, but mainly without military discipline. On the morning of the 13th they were attacked by about eight hundred Spanish regulars, commanded by General Enna. After a spirited contest this Spanish force was put to flight, leaving one third of the number dead or wounded on the field, the invaders losing thirty-five in killed and wounded. This signal success would have been still more wonderful had the Americans not utterly refused all orders to charge the enemy. After this engagement about forty of Crittenden's men joined the main force, and most of the others, with Crittenden himself, were captured while attempting to make their escape, unarmed most of them, in launches or yawls, from the island, and carried to Havana. They were there unceremoniously shot at the Castle of Atares.

The day after the battle of Las Pozas, Lopez advanced with his little force toward the interior. At Las Frias General Enna again fell upon him with twelve hundred infantry and a strong cavalry and artillery force. The attack was made with the cavalry, but Lopez with his two hundred and fifty effective men drove this back, and routed the whole army, leaving him again in possession of the field. In this engagement Enna was mortally wounded. At Las Pozas General Pragay of the filibuster force had been wounded, and from this wound he soon after died. Notwithstanding the remarkable successes of the invaders there was now no hope for anything but an ignominious termination of the expedition. Unsupported by the natives, and cut off from all chances of succor from the United States, divided and broken, they wandered among the mountains until Lopez finally surrendered near San Cristoval, and on the first day of September, 1851, at Havana was garroted. He had seen service in the Spanish army, and was considered perhaps the most able and brilliant Creole soldier of his time. He was born in Venezuela in 1798, but had long been a citizen of Cuba, where he was highly esteemed. His last words were, in the usual strain of enthusiastic martyrdom: "I die for my beloved Cuba." His patriotism and devotion to the liberation of down-trodden Cuba can not be doubted.

It has been said, slanderously I believe, that few or no public or distinguished men die without affection. If this is true, then there have been no great

men. Is it possible that those of whom most is expected should strive to sail out of this world and into the next under sham and false colors! Are the last scenes in the lives of men especially shaped for posthumous fame? Are telling attitudes studied by men in the weakness, forgetfulness, and uncertainty of the hour of death? Are "Thy will be done," "It is well," "This is the last of earth," and the thousands of last words, and millions of fond acts, tender good-byes, long lingering caresses, and pains, struggles, and tears, shams and lies?

Shame! for shame! As much as I am willing to admit that this is, to a considerable extent, a dough-faced world, and as many unmanly and mean tricks as I have been compelled to witness even since this work was begun, were I able to believe so badly of the world, I would here drop my pen and write no more of men.

## CHAPTER XIII.

## DIPLOMATIC COMPLICATIONS—CUBA FILIBUSTERING DISTURBS THE ADMINISTRATION—SECOND ANNUAL MESSAGE.

IT is hardly worth while to speculate here. But it would not at this day be difficult for an American to believe that, if Lopez had had an army of five thousand well equipped and supplied Americans, he could have driven the Governor-General, and all the Spanish troops and authority, from the island of Cuba. In that event the position of the native population would not have been doubtful. They would have hailed, with all the joy of indifferent natures, deliverance from the Spanish rod. In the light of Lopez being anything more than a mere John Brown enthusiast, his expeditions do not, as a whole, appear well. Several things must, however, be taken into account. General Lopez had spent a great part of his life on the island, and knew well the unjust, unequal, and despotic character of the government, and rested his action solely upon two things: First, the desire and willingness of the native population, as he had every reason to believe, to throw off the Spanish yoke when opportunity presented; and secondly, the hope, if not promise, of aid from the United States. It is not

necessary to enter into a thorough examination of the well or ill founded nature of his grounds of conduct.

For a long time the native Cubans had been dissatisfied with the government of Spain; and more than a quarter of a century before, under the patronage of General Simon Bolivar, they were only prevented throwing off the Spanish authority by the interference of France, England, and the United States. In 1826, Cubans residing in Venezuela attempted to start a revolution in Cuba; in 1828, there was a more general effort at revolt in the island; a few years later there was a formidable movement under Lorenzo, a military leader of no great ability, to establish at least the constitutional government of Spain on the island; and, although all these attempts failed, they increased the spirit of discontent, which again broke out in 1848, under Lopez and others. Even while Lopez was organizing his expeditions on the Continent, several unimportant outbreaks occurred on the island. The government of the island, and most of the advantages of living on it, had long ago passed into the possession of the Spaniards. Cubans had even been prohibited from sending their youth to the United States to be educated, and every possible means was taken to prevent the growth of republican or liberal political views. Notwithstanding, at this period especially, the spirit of revolt was quite active. The liberal party, refused the right of free speech at home, established two newspapers, one in Paris and



one in Madrid, by which they put forward their claims. In 1848, too, "La Verdad," a paper in the cause of Cuban independence, was started in New York, and circulated, without cost, at the expense of its American and Cuban friends. Many Cubans were in favor of annexation to the United States, and on this ground they were led to believe they would receive aid from this country in any attempt on their part to free themselves from Spain.

The friends of Cuban annexation in the United States bolstered the filibuster schemes and the revolutionary spirit in the island by hopes never to be realized. And the enthusiastic Cubans fired the determination of Lopez, in whom they had confidence, to believe that his standard once reared in the island would derive all the support it could need from the native population. Thus misled at the time of his last expedition, Lopez would have undertaken the overthrow of Spanish authority without an American follower. This state of affairs, and the closeness with which he was watched in the United States, were the grounds of his precipitate and unmilitary-like preparations. He was deceived in his own estimate of the aid to be derived from the immediate co-operation of patriots at home; by the highly colored representations by letters and otherwise of Cuban friends; and by promises, pretensions, and political schemes of Americans. Yet there can never be a doubt that the masses of native Cubans were at that time bitterly opposed to Spanish rule; and that the negroes, both slave and free, were

enemies of their Spanish task-masters, or that all of these, in the presence of a powerful and successful invasion for the purpose of their independence, would not have given their united strength against Spain.

The Lopez failure had one effect. It demonstrated to the world, perhaps, that Spanish regulars were no match for American volunteer soldiers. And although the Cuban leader was lost, his cause did not die at once among those friends in the United States who saw in his failure the chances of success. It will be reserved to another page to show that even under Mr. Fillmore's conservative and cautious Administration the acquisition of Cuba would not have been considered a calamity to the island itself, to the United States, and even to Spain.

The following letters from the President to Mr. Webster, then on "sick leave" in Massachusetts and New Hampshire, will be of interest at this point:—

"WASHINGTON, Tuesday Evening, September 2, 1851.

"MY DEAR SIR,—I returned somewhat prematurely, and in much haste, on Saturday evening, and have been very busy with Cuban matters ever since.

"I was not satisfied with the excuse made by the collector at New Orleans for suffering the steamer *Pampero* to sail for Cuba, without any effort to stop her, and I have removed him, and appointed Mr. Adams in his place.

"I have issued new powers either to the collectors or marshals, under the eighth section of the act of 1818, at Newport, New York, Philadelphia, Charleston, Savannah, St. Augustine, Key West, Mobile, New Orleans, and Galveston; and a new circular, enjoining vigilance upon

the district attorneys and marshals at these places, who may be absent from home, to return forthwith, and attend vigilantly to prevent any expedition from being fitted out against the provisions of that act. The army and navy have also been called into requisition at any place where we have troops or vessels, to aid in arresting any such expedition.

"In times like this, the telegraph, in the hands of irresponsible and designing men, is a tremendous engine for mischief, aided, as it is in many places, by a mercenary and prostituted press. Agitation and excitement seem to pervade all the large cities, and this is greatly aggravated by unscrupulous partisans, who desire to turn it to political account against the Administration.

"I think the summary execution of the fifty persons taken in Cuba was unfortunate. This wholesale slaughter of officers and men in so summary a manner, naturally excited the sympathy and indignation of the community. But I still hope to prevent any further violation of our neutrality laws, and to save our young men from a similar fate. Lopez seems still at large, but making no headway. Reports are so contradictory, we know not what to believe. He can not remain in *statu quo*. He must advance or fail."

"WASHINGTON October 2, 1851.

"Mr. Rives writes that a treaty has been entered into between France, Spain, and Great Britain, to guarantee Cuba to Spain; but does not send it, or its contents or date. The English chargé gives us notice that England has ordered her vessels to protect Cuba against the unlawful invasion from this country, but says he knows of no treaty. Mr. Rives has been written to for further information. It appears to me that such a step on the part of Great Britain is ill-advised, and if the attempts upon Cuba shall be resumed (which I trust they will not be), any attempt to prevent such expeditions by British cruisers

must necessarily involve a right of search into our whole mercantile marine in those seas, to ascertain who ought to be arrested and who ought to pass, and this would be extremely annoying, and well calculated to disturb the friendly relations now existing between the two governments.

“But I have been interrupted, and the mail is closing, and I have not time to say much. When may we hope to have the pleasure of seeing you in Washington? Though your presence at all times would be very acceptable, yet give yourself no uneasiness. Remain quiet, until you feel able to come.

“In hopes that your health may be speedily restored,  
I remain, sincerely yours,                   MILLARD FILLMORE.”

To this Mr. Webster replied from Marshfield,  
October 4th :—

“I doubt exceedingly whether the English government would do so rash a thing as to interfere with American vessels on the seas, under pretense of their containing Cuban invaders. This could never be submitted to. I do not think that any further attempt is likely to be made at present by these lawless people, as I do not see where they can now raise the funds, and, therefore, I hope we may have no more trouble. If an official communication be made to us of such a treaty as Mr. Rives supposes may have been entered into, it will deserve close consideration. We must look to our own antecedents. In General Jackson’s time it was intimated to Spain, by our Government, that if she would not cede Cuba to any European power, we would assist her in maintaining possession of it. A lively fear existed, at that time, that England had designs upon the island. The same intimation was given to Spain, through Mr. Irving, when I was formerly in the Department of State. Mr. J. Quincy Adams often said that, if necessary, we ought to

make war with England sooner than to acquiesce in her acquisition of Cuba. It is, indeed, obvious enough what danger there would be to us if a great naval power were to possess this key to the Gulf of Mexico and the Caribbean Sea."

"WASHINGTON, October 10, 1851.

"Since I wrote you before, I learn that the French Minister has intimated, rather reluctantly, that his government has issued similar orders to its fleet in the West Indies to those issued by Great Britain in reference to Cuba. A dispatch from Mr. Rives states a conversation with the Secretary of Foreign Affairs, in which he denied all intention of interference by the French Government.

"This presents a singular state of things, and looks as though there was a little finessing between Great Britain and France to court favor with Spain, and, if possible, not offend us; or at least, it looks as though France intended this.

"I am, truly yours,

MILLARD FILLMORE."

But both England and France had really issued orders to their men-of-war to protect Cuba against these filibusters from the United States. In the absence of Mr. Webster, Attorney-General Crittenden, who was acting as head of the State Department, took up this subject; and in a long letter to M. de Sartiges, Minister of the French government, residing at Washington, reviewed the entire case, fully setting forth the principles of this Government in the conduct of foreign affairs, showing how little sympathy it had with unlawful aggressions upon the territory of friendly powers, and how little injury could come to them from such sources in the United States. This letter not only exhibited the gravity



attached by the Administration to this matter; but also left no chance for doubt as to the determination of the President to meet the case squarely.

The position taken by the Administration had the desired influence in slackening the ardor of England and France; and the ignominious end of Lopez and many of his followers stopped further attempts to add new slave territory to the South by filibustering at that time at least. Yet the trouble was by no means at an end. The Americans executed in Cuba had sent letters to their friends. These letters were intrusted to Spanish authorities; and, after reaching the hands of the Spanish Consul at New Orleans, were, for some reason, withheld for a time by him, and then committed to the mail. When this state of the case became known, the feeling against the Consul was intense; and the result was that a mob fell upon the property of some Spaniards of New Orleans, took possession of the "office" of the Consul, tore to pieces the flag of his country, roughly handled the portrait of the Queen of Spain, and did other things unbecoming the "dignity" of the place. This affair brought on a correspondence between Mr. Webster and Don A. Calderon, the Spanish Minister at Washington, who demanded the fullest reparation of all damages to Spanish subjects, and the restoration and public honoring of the disgraced flag. The Secretary of State took the correct position, that the Spanish residents of New Orleans who had been despoiled by the mob came under the laws provided for redress of such wrongs in this country, and that,

the former Consul, Laborde, or a successor, entering New Orleans in a Spanish vessel, the flag of his country should be saluted in the ordinary way, and now signifying the sense of this Government as to the insult rendered by the mob.

Mr. Webster also took occasion to make an appeal in behalf of the American followers of Lopez, over a hundred and fifty of them, who had been sent to Spain to be condemned to hard labor, imprisonment, or death. In the winter of 1851 these men were released and sent home, Congress having appropriated \$6,000 for their relief and transportation. And thus terminated a miserable affair, which gave Mr. Fillmore and his Cabinet many an anxious moment, and was unfortunately supported more or less openly by many Southern men of prominence. Although filibustering had been checked, Mr. Fillmore's Administration continued to be harassed by the complications arising from it, as may be seen in other parts of this volume.

On Monday, December 1, 1851, Congress again assembled ("First Session of the Thirty-Second Congress"), and sat until the thirtieth day of August, 1852. Linn Boyd, a Democrat from Kentucky, was elected Speaker of the House on the first ballot, receiving one hundred and eighteen votes against ninety-five cast for others. John W. Forney, a Pennsylvania Democrat, was elected clerk. Both Houses were organized in the interest of Democratic office-holders. Wm. R. King, of Alabama, who had been chosen President of the Senate on the

accession of Mr. Fillmore, still remained in that position, and thirty-six of the sixty-two Senators were Democrats; and in the House there were one hundred and forty Democrats, eighty-eight Whigs, and five Free-soilers. Notwithstanding the great length of this session, little was done by Congress, a great portion of the time being occupied with the inappropriate and extravagant proceedings concerning Louis Kossuth.

On the second day of December President Fillmore sent to Congress his valuable, historic,

## SECOND ANNUAL MESSAGE.

*December 2, 1851.*

FELLOW-CITIZENS OF THE SENATE AND OF THE HOUSE OF REPRESENTATIVES:—

I congratulate you and our common constituency upon the favorable auspices under which you meet for your first session. Our country is at peace with all the world. The agitation which, for a time, threatened to disturb the fraternal relations which make us one people, is fast subsiding, and a year of general prosperity and health has crowned the nation with unusual blessings.

None can look back to the dangers which are passed, or forward to the bright prospect before us, without feeling a thrill of gratification at the same; that he must be impressed with a grateful sense of our profound obligations to a beneficent Providence, whose paternal care is so manifest in the happiness of this highly favored land.

Since the close of the last Congress, certain Cubans, and other foreigners resident in the United States, who were more or less concerned in the previous invasion of Cuba, instead of being discouraged by its failure, have again abused the hospitality of this country by making it the scene of the equipment of another military expedition against that possession of Her Catholic Majesty, in which they were countenanced, aided, and

joined by citizens of the United States. On receiving intelligence that such designs were entertained, I lost no time in issuing such instructions to the proper officers of the United States as seemed to be called for by the occasion. By the proclamation, a copy of which is herewith submitted, I also warned those who might be in danger of being inveigled into this scheme, of its unlawful character, and of the penalties they would incur. For some time there was reason to hope that these measures had sufficed to prevent any such attempt. This hope, however, proved to be delusive. Very early in the morning of the 3d of August, a steamer called the *Pampero* departed from New Orleans for Cuba, having on board upward of four hundred armed men, with evident intentions to make war upon the authorities of the island. This expedition was set on foot in palpable violation of the laws of the United States. Its leader was a Spaniard, and several of the chief officers, and some others engaged in it, were foreigners. The persons composing it, however, were mostly citizens of the United States.

Before the expedition set out, and probably before it was organized, a slight insurrectionary movement, which appears to have been soon suppressed, had taken place in the eastern quarter of Cuba. The importance of this movement was unfortunately so much exaggerated in the accounts of it published in this country, that these adventurers seem to have been led to believe that the Creole population of the island not only desired to throw off the authority of the mother country, but had resolved upon that step, and had begun a well concerted enterprise for effecting it. The persons engaged in the expedition were generally young and ill-informed. The steamer in which they embarked left New Orleans stealthily and without a clearance. After touching at Key West, she proceeded to the coast of Cuba, and, on the night between the 11th and 12th of August, landed the persons on board at Playitas, within about twenty leagues of Havana.

The main body of them proceeded to, and took possession of, an inland village, six leagues distant, leaving others to follow in charge of the baggage, as soon as the means of transportation could be obtained. The latter, having taken up their



line of march to connect themselves with the main body, and having proceeded about four leagues into the country, were attacked on the morning of the 13th by a body of Spanish troops, and a bloody conflict ensued; after which they retreated to the place of disembarkation, where about fifty of them obtained boats and re-embarked therein. They were, however, intercepted among the keys near the shore by a Spanish steamer cruising on the coast, captured and carried to Havana, and, after being examined before a military court, were sentenced to be publicly executed, and the sentence was carried into effect on the 16th of August.

On receiving information of what had occurred, Commodore Foxhall A. Parker was instructed to proceed in the steam-frigate *Saranac* to Havana, and inquire into the charges against the persons executed, the circumstances under which they were taken, and whatsoever referred to their trial and sentence. Copies of the instructions from the Department of State to him, and of his letters to that Department, are herewith submitted.

According to the record of the examination, the prisoners all admitted the offenses charged against them, of being hostile invaders of the island. At the time of their trial and execution, the main body of the invaders was still in the field, making war upon the Spanish authorities and Spanish subjects. After the lapse of some days, being overcome by the Spanish troops, they dispersed on the 24th of August; Lopez, their leader, was captured some days after, and executed on the 1st of September. Many of his remaining followers were killed, or died of hunger and fatigue, and the rest were made prisoners. Of these, none appear to have been tried or executed. Several of these were pardoned upon application of their friends and others, and the rest, about one hundred and sixty in number, were sent to Spain. Of the final disposition made of these we have no official information.

Such is the melancholy result of this illegal and ill-fated expedition. Thus thoughtless young men have been induced, by false and fraudulent representations, to violate the law of their country, through rash and unfounded expectations of assisting to accomplish political revolutions in other States, and



have lost their lives in the undertaking. Too severe a judgment can hardly be passed by the indignant sense of the community upon those who, being better informed themselves, have yet led away the ardor of youth and an ill-directed love of political liberty. The correspondence between the Government and that of Spain relating to this transaction is herewith communicated.

Although these offenders against the laws have forfeited the protection of their country, yet the Government may, so far as is consistent with its obligations to other countries, and its fixed purpose to maintain and enforce the laws, entertain sympathy for their unoffending families and friends, as well as a feeling of compassion for themselves. Accordingly, no proper effort has been spared, and none will be spared, to procure the release of such citizens of the United States, engaged in this unlawful enterprise, as are now in confinement in Spain; but it is to be hoped that such interposition with the government of that country may not be considered as affording any ground of expectation that the Government of the United States will, hereafter, feel itself under any obligation of duty to intercede for the liberation or pardon of such persons as are flagrant offenders against the law of nations and the laws of the United States. These laws must be executed. If we desire to maintain our respectability among the nations of the earth, it behooves us to enforce steadily and sternly the neutrality acts passed by Congress, and to follow, as far as may be, the violation of those acts with condign punishment.

But what gives a peculiar criminality to this invasion of Cuba is, that under the lead of Spanish subjects, and with the aid of citizens of the United States, it had its origin, with many, in motives of cupidity. Money was advanced by individuals, probably in considerable amounts, to purchase Cuban bonds, as they have been called, issued by Lopez, sold, doubtless, at a very large discount, and for the payment of which the public lands and public property of Cuba, of whatever kind, and the fiscal resources of the people and government of that island, from whatever source to be derived, were pledged, as well as the good faith of the government expected to be established. All these means of payment, it is evident, were

only to be obtained by a process of bloodshed, war, and revolution. None will deny that those who set on foot military expeditions against foreign States by means like these, are far more culpable than the ignorant and the necessitous whom they induce to go forth as the ostensible parties in the proceeding. These originators of the invasion of Cuba seem to have determined, with coolness and system, upon an undertaking which should disgrace their country, violate its laws, and put to hazard the lives of ill-informed and deluded men. You will consider whether further legislation be necessary to prevent the perpetration of such offenses in future.

No individuals have a right to hazard the peace of the country, or to violate its laws, upon vague notions of altering or reforming governments in other States. This principle is not only reasonable in itself and in accordance with public law, but is ingrafted into the codes of other nations as well as our own. But while such are the sentiments of this Government, it may be added that every independent nation must be presumed to be able to defend its possessions against unauthorized individuals banded together to attack them. The Government of the United States, at all times since its establishment, has abstained, and has sought to restrain the citizens of the country from entering into controversies between other powers, and to observe all the duties of neutrality. At an early period of the Government, in the Administration of Washington, several laws were passed for this purpose. The main provisions of these laws were re-enacted by the Act of April, 1818, by which, among other things, it was declared that if any person shall, within the territory or jurisdiction of the United States, begin, or set on foot, or provide, or prepare the means for any military expedition or enterprise to be carried on from thence against the territory or dominion of any foreign prince or State, or of any colony, district, or people, with whom the United States are at peace, every person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding three thousand dollars, and imprisoned not more than three years; and this law has been executed and enforced, to the full extent of the power of the Government, from that day to this.

In proclaiming and adhering to the doctrine of neutrality and non-intervention, the United States have not followed the lead of other civilized nations; they have taken the lead themselves, and have been followed by others. This was admitted by one of the most eminent of modern British statesmen, who said in Parliament, while a member of the crown, "that if he wished for a guide in a system of neutrality, he should take that laid down by America in the days of Washington and the Secretaryship of Jefferson;" and we see, in fact, that the Act of Congress of 1818 was followed, the succeeding year, by an act of the Parliament of England, substantially the same in its general provisions. Up to that time there had been no similar law in England, except certain highly penal statutes passed in the reign of George II, prohibiting English subjects from enlisting in foreign service, the avowed object of which statutes was that foreign armies, raised for the purpose of restoring the house of Stuart to the throne, should not be strengthened by recruits from England herself.

All must see that difficulties may arise in carrying the laws referred to into execution in a country now having three or four thousand miles of sea-coast, with an infinitive number of ports and harbors and small inlets, from some of which unlawful expeditions may suddenly set forth, without the knowledge of Government, against the possessions of foreign States.

Friendly relations with all, but entangling alliances with none, has long been a maxim with us. Our true mission is not to propagate our opinions, or impose upon other countries our form of Government, by artifice or force; but to teach by example, and show by our success, moderation, and justice, the blessings of self-government and the advantages of free institutions. Let every people choose for itself, and make and alter its political institutions to suit its own condition and convenience. But, while we avow and maintain this neutral policy ourselves, we are anxious to see the same forbearance on the part of other nations, whose forms of government are different from our own. The deep interest which we feel in the spread of liberal principles and the establishment of free governments, and the sympathy with which we witness every struggle against oppression, forbid that we should be indifferent to a case in

which the strong arm of a foreign power is invoked to stifle public sentiment and repress the spirit of freedom in any country.

The governments of Great Britain and France have issued orders to their naval commanders on the West India Station to prevent by force, if necessary, the landing of adventurers from any nation on the island of Cuba with hostile intent. The copy of a memorandum of a conversation on this subject between the *Chargé d'Affaires* of Her Britannic Majesty and the acting Secretary of State, and of a subsequent note of the former to the Department of State, are herewith submitted, together with a copy of a note of the acting Secretary of State to the Minister of the French Republic, and of the reply of the latter on the same subject. These papers will acquaint you with the grounds of this interposition of the two leading commercial powers of Europe, and with the apprehensions, which this Government could not fail to entertain, that such interposition, if carried into effect, might lead to abuses in derogation of the maritime rights of the United States. The maritime rights of the United States are founded on a firm, secure, and well-defined basis; they stand upon the ground of national independence and public law, and will be maintained in all their full and just extent.

The principle which this Government has heretofore solemnly announced it still adheres to, and will maintain under all circumstances and at all hazards. That principle is, that in every regularly documented merchant-vessel, the crew who navigate it, and those on board of it, will find their protection in the flag which is over them. No American ship can be allowed to be visited or searched for the purpose of ascertaining the character of individuals on board, nor can there be allowed any watch by the vessels of any foreign nation over American vessels on the coast of the United States or the seas adjacent thereto. It will be seen by the last communication from the British *Chargé d'Affaires* to the Department of State that he is authorized to assure the Secretary of State that every care will be taken that, in executing the preventive measures against the expeditions which the United States Government itself has denounced as not being entitled to the



protection of any government, no interference shall take place with the lawful commerce of any nation.

In addition to the correspondence on this subject, herewith submitted, official information has been received at the Department of State of assurances by the French government that, in the orders given to the French naval forces, they were expressly instructed, in any operations they might engage in, to respect the flag of the United States wherever it might appear, and to commit no act of hostility upon any vessel or armament under its protection.

Ministers and consuls of foreign nations are the means and agents of communication between us and those nations, and it is of the utmost importance that, while residing in the country, they should feel a perfect security so long as they faithfully discharge their respective duties and are guilty of no violation of our laws. This is the admitted law of nations, and no country has a deeper interest in maintaining it than the United States. Our commerce spreads over every sea and visits every clime, and our ministers and consuls are appointed to protect the interests of that commerce, as well as to guard the peace of the country and maintain the honor of its flag. But how can they discharge these duties unless they be themselves protected? and, if protected, it must be by the laws of the country in which they reside. And what is due to our own public functionaries residing in foreign nations, is exactly the measure of what is due to the functionaries of other governments residing here. As in war the bearers of flags of truce are sacred, or else wars would be interminable, so in peace, ambassadors, public ministers, and consuls, charged with friendly national intercourse, are objects of especial respect and protection, each according to the rights belonging to his rank and station. In view of these important principles, it is with deep mortification and regret I announce to you that, during the excitement growing out of the executions at Havana, the office of Her Catholic Majesty's consul at New Orleans was assailed by a mob, his property destroyed, the Spanish flag found in the office carried off and torn in pieces, and he himself induced to flee for his personal safety, which he supposed to be in danger. On receiving intelligence of these events, I forthwith directed the



attorney of the United States residing at New Orleans to inquire into the facts and the extent of the pecuniary loss sustained by the consul, with the intention of laying them before you, that you might make provision for such indemnity to him as a just regard for the honor of the Nation and the respect which is due to a friendly power might, in your judgment, seem to require. The correspondence upon this subject between the Secretary of State and Her Catholic Majesty's minister plenipotentiary is herewith transmitted.

The occurrence at New Orleans has led me to give my attention to the state of our laws in regard to foreign ambassadors, ministers, and consuls. I think the legislation of the country is deficient in not providing sufficiently for either the protection or the punishment of consuls. I therefore recommend the subject to the consideration of Congress.

Your attention is again invited to the question of reciprocal trade between the United States and Canada and other British possessions near our frontier. Overtures for a convention upon this subject have been received from Her Britannic Majesty's minister plenipotentiary, but it seems to be in many respects preferable that the matter should be regulated by reciprocal legislation. Documents are laid before you showing the terms which the British government is willing to offer, and the measures which it may adopt, if some arrangement upon this subject shall not be made.

From the accompanying copy of a note from the British legation at Washington, and the reply of the Department of State thereto, it will appear that Her Britannic Majesty's government is desirous that a part of the boundary-line between Oregon and the British possessions should be authoritatively marked out, and that an intention was expressed to apply to Congress for an appropriation to defray the expense thereof on the part of the United States. Your attention to this subject is accordingly invited and a proper appropriation recommended.

A convention for the adjustment of claims of citizens of the United States against Portugal has been concluded, and the ratifications have been exchanged. The first installment of the amount to be paid by Portugal fell due on the 30th of September last, and has been paid.

The President of the French Republic, according to the provisions of the convention, has been selected as arbiter in the case of the *General Armstrong*, and has signified that he accepts the trust, and the high satisfaction he feels in acting as the common friend of two nations with which France is united by sentiments of sincere and lasting amity.

The Turkish government has expressed its thanks for the kind reception given to the sultan's agent, Amin Bey, on the occasion of his recent visit to the United States. On the 28th of February last, a dispatch was addressed by the Secretary of State to Mr. Marsh, the American Minister at Constantinople, instructing him to ask of the Turkish government permission for the Hungarians, then imprisoned within the dominions of the Sublime Porte, to remove to this country. On the 3d of March last, both Houses of Congress passed a resolution requesting the President to authorize the employment of a public vessel to convey to this country Louis Kossuth and his associates in captivity.

The instruction above referred to was complied with, and the Turkish government having released Governor Kossuth and his companions from prison, on the 10th of September last they embarked on board of the United States steam frigate *Mississippi*, which was selected to carry into effect the resolution of Congress. Governor Kossuth left the *Mississippi* at Gibraltar, for the purpose of making a visit to England, and may shortly be expected in New York. By communications to the Department of State he has expressed his grateful acknowledgments for the interposition of this Government in behalf of himself and his associates. This country has been justly regarded as a safe asylum for those whom political events have exiled from their own homes in Europe; and it is recommended to Congress to consider in what manner Governor Kossuth and his companions, brought hither by its authority, shall be received and treated.

It is earnestly to be hoped that the differences which have for some time past been pending between the government of the French Republic and that of the Sandwich Islands, may be peaceably and durably adjusted, so as to secure the independence of those islands. Long before the events which have of late imparted so much importance to the possessions of the

United States on the Pacific, we acknowledged the independence of the Hawaiian government. This Government was first in taking that step, and several of the leading powers of Europe immediately followed. We were influenced in this measure by the existing and prospective importance of the islands as a place of refuge and refreshment for our vessels engaged in the whale-fishery, and by the consideration that they lie in the course of the great trade which must, at no distant day, be carried on between the western coast of North America and Eastern Asia.

We were also influenced by a desire that those islands should not pass under the control of any other great maritime State, but should remain in an independent condition, and so be accessible and useful to the commerce of all nations. I need not say that the importance of these considerations has been greatly enhanced by the sudden and vast development which the interests of the United States have attained in California and Oregon; and the policy heretofore adopted in regard to those islands will be steadily pursued.

It is gratifying not only to those who consider the commercial interests of nations, but also to all who favor the progress of knowledge and the diffusion of religion, to see a community emerge from a savage state and attain such a degree of civilization in those distant seas.

It is much to be deplored that the internal tranquillity of the Mexican Republic should again be seriously disturbed; for, since the peace between that Republic and the United States, it had enjoyed such comparative repose that the most favorable anticipations for the future might, with a degree of confidence, have been indulged. These, however, have been thwarted by the recent outbreak in the State of Tamaulipas, on the right bank of the Rio Bravo. Having received information that persons from the United States had taken part in the insurrection, and apprehending that their example might be followed by others, I caused orders to be issued for the purpose of preventing any hostile expeditions against Mexico from being set on foot in violation of the laws of the United States. I likewise issued a proclamation upon the subject, a copy of which is herewith laid before you. This appeared to be rendered

imperative by the obligations of treaties and the general duties of good neighborhood.

In my last annual message I informed Congress that citizens of the United States had undertaken the connection of the two oceans by means of a railroad across the Isthmus of Tehuantepec under a grant of the Mexican government to a citizen of that Republic; and that this enterprise would probably be prosecuted with energy whenever Mexico should consent to such stipulations with the Government of the United States as should impart a feeling of security to those who should invest their property in the enterprise.

A convention between the two governments for the accomplishment of that end has been ratified by this Government, and only awaits the decision of the Congress and the Executive of that Republic.

Some unexpected difficulties and delays have arisen in the ratification of that convention by Mexico; but it is to be presumed that her decision will be governed by just and enlightened views, as well of the general importance of the object as of her own interests and obligations.

In negotiating upon this important subject this Government has had in view one, and only one, object. That object has been, and is, the construction or attainment of a passage from ocean to ocean, the shortest and the best for travelers and merchandise, and equally open to all the world. It has sought to obtain no territorial acquisition, nor any advantages peculiar to itself; and it would see, with the greatest regret, that Mexico should oppose any obstacle to the accomplishment of an enterprise which promises so much convenience to the whole commercial world, and such eminent advantages to Mexico herself. Impressed with these sentiments and these convictions, the Government will continue to exert all proper efforts to bring about the necessary arrangement with the Republic of Mexico for the speedy completion of the work.

For some months past the Republic of Nicaragua has been the theater of one of those civil convulsions from which the cause of free institutions, and the general prosperity and social progress of the States of Central America, have so often and so severely suffered. Until quiet shall have been restored, and a



government apparently stable shall have been organized, no advance can prudently be made in disposing of the questions pending between the two countries.

I am happy to announce that an inter-oceanic communication from the mouth of the St. John to the Pacific has been so far accomplished as that passengers have actually traversed it, and merchandise has been transported over it; and when the canal shall have been completed according to the original plan, the means of communication will be further improved. It is understood that a considerable part of the railroad across the Isthmus of Panama has been completed, and that the mail and passengers will in future be conveyed thereon.

Whichever of the several routes between the two oceans may ultimately prove most eligible for travelers to and from the different States on the Atlantic and Gulf of Mexico and our coast on the Pacific, there is little reason to doubt that all of them will be useful to the public, and will liberally reward that individual enterprise by which alone they have been or are expected to be carried into effect.

Peace has been concluded between the contending parties in the island of St. Domingo, and, it is hoped, upon a durable basis. Such is the extent of our commercial relations with that island that the United States can not fail to feel a strong interest in its tranquillity.

The office of Commissioner to China remains unfilled; several persons have been appointed, and the place has been offered to others, all of whom have declined its acceptance, on the ground of the inadequacy of the compensation. The annual allowance by law is six thousand dollars, and there is no provision for any outfit. I earnestly recommend the consideration of this subject to Congress. Our commerce with China is highly important, and is becoming more and more so, in consequence of the increasing intercourse between our ports on the Pacific Coast and Eastern Asia. China is understood to be a country in which living is very expensive; and I know of no reason why the American Commissioner sent thither should not be placed, in regard to compensation, on an equal footing with ministers who represent this country at the courts of Europe.

By reference to the report of the Secretary of the Treasury



it will be seen that the aggregate receipts for the last fiscal year amounted to \$52,312,979.87; which, with the balance in the treasury on the 1st July, 1850, gave, as the available means for the year, the sum of \$58,917,524.36.

The total expenditures for the same period were . . .	\$48,005,878.68
The total imports for the year ending June 30, 1851,	
were . . . . .	215,725,995
Of which there were in specie, . . . . .	4,967,901
The exports for the same period were . . . . .	217,517,130
Of which there were of domestic products, \$178,546,555	
Foreign goods re-exported, . . . . .	9,738,695
Specie, . . . . .	29,231,880
	<hr/>
	\$217,517,130

Since the 1st of December last the payments in cash on account of the public debt, exclusive of interest, have amounted to \$7,501,456.56; which, however, includes the sum of \$3,242,400 paid under the twelfth article of the treaty with Mexico, and the further sum of \$2,591,213.45, being the amount of awards to American citizens under the late treaty with Mexico, for which the issue of stock was authorized, but which was paid in cash from the treasury.

The public debt on the 20th ultimo, exclusive of the stock authorized to be issued to Texas by the act of September 9, 1850, was \$62,560,395.26.

The receipts for the next fiscal year are estimated at \$51,800,000; which, with the probable unappropriated balance in the treasury on the 30th June next, will give, as the probable available means for that year, the sum of \$63,258,743.09.

It has been deemed proper, in view of the large expenditures consequent upon the acquisition of territory from Mexico, that the estimates for the next fiscal year should be laid before Congress in such manner as to distinguish the expenditures so required from the otherwise ordinary demands upon the treasury.

The total expenditures for the next fiscal year are estimated at \$42,892,299.19, of which there is required for the ordinary purposes of the Government, other than those consequent upon the acquisition of our new territories, and deducting the payments on account of the public debt, the sum of \$33,343,198.08; and for the purposes connected directly or indirectly with those territories, and in the fulfillment of the obligations of the Gov-

ernment contracted in consequence of their acquisition, the sum of \$9,549,101.11.

If the views of the Secretary of the Treasury in reference to the expenditures required for these territories shall be met by corresponding action on the part of Congress, and appropriations made in accordance therewith, there will be an estimated unappropriated balance in the treasury, on the 30th June, 1853, of \$20,366,443.90, wherewith to meet that portion of the public debt due on the first of July following, amounting to \$6,237,931.35, as well as any appropriations which may be made beyond the estimates.

In thus referring to the estimated expenditures on account of our newly acquired territories, I may express the hope that Congress will concur with me in the desire that a liberal course of policy may be pursued toward them; and that every obligation, expressed or implied, entered into in consequence of their acquisition shall be fulfilled by the most liberal appropriations for that purpose.

The values of our domestic exports for the last fiscal year, as compared with those of the previous year, exhibit an increase of \$43,646,322. At first view this condition of our trade with foreign nations would seem to present the most flattering hopes of its future prosperity. An examination of the details of our exports, however, will show that the increased value of our exports for the last fiscal year is to be found in the high price of cotton which prevailed during the first half of that year, which price has since declined about one-half.

The value of our exports of breadstuffs and provisions, which it was supposed the incentive of a low tariff and large importations from abroad would have greatly augmented, has fallen from \$68,701,921 in 1847, to \$26,051,373 in 1850, and to \$21,848,653 in 1851, with a strong probability, amounting almost to a certainty, of a still further reduction in the current year.

The aggregate values of rice exported during the last fiscal year, as compared with the previous year, also exhibit a decrease amounting to \$460,917, which, with a decline in the values of the exports of tobacco for the same period, make an aggregate decrease in these two articles of \$1,156,751.

The policy which dictated a low rate of duties on foreign merchandise, it was thought by those who promoted and established it, would tend to benefit the farming population of this country, by increasing the demand and raising the price of agricultural products in foreign markets.

The foregoing facts, however, seem to show incontestably that no such result has followed the adoption of this policy. On the contrary, notwithstanding the repeal of the restrictive corn laws in England, the foreign demand for the products of the American farmer has steadily declined, since the short crops and consequent famine in a portion of Europe have been happily replaced by full crops and comparative abundance of food.

It will be seen, by recurring to the commercial statistics for the past year, that the value of our domestic exports has been increased in the single item of raw cotton by \$40,000,000 over the value of that export for the year preceding. This is not due to any increased general demand for that article, but to the short crop of the preceding year, which created an increased demand and an augmented price for the crop of last year. Should the cotton-crop now going forward to market be only equal in quantity to that of the year preceding, and be sold at the present prices, then there would be a falling off in the value of our exports for the present fiscal year of at least \$40,000,000, compared with the amount exported for the year ending 30th June, 1851.

The production of gold in California for the past year seems to promise a large supply of that metal from that quarter for some time to come. This large annual increase of the currency of the world must be attended with its usual results. These have been already partially disclosed in the enhancement of prices, and a rising spirit of speculation and adventure, tending to over-trading, as well at home as abroad. Unless some salutary check shall be given to these tendencies, it is to be feared that importations of foreign goods beyond a healthy demand in this country will lead to a sudden drain of the precious metals from us, bringing with it, as it has done in former times, the most disastrous consequences to the business and capital of the American people.

The exports of specie to liquidate our foreign debt during the past fiscal year have been \$24,263,979 over the amount of specie imported. The exports of specie during the first quarter of the present fiscal year have been \$14,651,827. Should specie continue to be exported at this rate for the remaining three quarters of this year, it will drain from our metallic currency during the year ending 30th June, 1852, the enormous amount of \$58,607,308.

In the present prosperous condition of the national finances it will become the duty of Congress to consider the best mode of paying off the public debt. If the present and anticipated surplus in the treasury should not be absorbed by appropriations of an extraordinary character, this surplus should be employed, in such way and under such restrictions as Congress may enact, in extinguishing the outstanding debt of the nation.

By reference to the act of Congress approved 9th September, 1850, it will be seen that, in consideration of certain concessions by the State of Texas, it is provided that the "United States shall pay to the State of Texas the sum of ten millions of dollars, in a stock bearing five per cent interest, and redeemable at the end of fourteen years, the interest payable half yearly at the treasury of the United States."

In the same section of the law it is further provided "that no more than five millions of said stock shall be issued until the creditors of the State holding bonds and other certificates of stock of Texas, *for which duties on imports were specially pledged*, shall first file at the treasury of the United States releases of all claims against the United States, for or on account of said bonds or certificates, in such forms as shall be prescribed by the Secretary of the Treasury, and approved by the President of the United States."

The form of release thus provided for has been prescribed by the Secretary of the Treasury, and approved. It has been published in all the leading newspapers in the commercial cities of the United States, and all persons holding claims of the kind specified in the foregoing proviso were required to file their releases (in the form thus prescribed) in the treasury of the United States, on or before the 1st day of October, 1851. Although this publication has been continued from the 25th day



of March, 1851, yet up to the 1st of October last comparatively few releases had been filed by the creditors of Texas.

The authorities of the State of Texas, at the request of the Secretary of the Treasury, have furnished a schedule of the public debt of that State created prior to her admission into the Union, with a copy of the laws under which each class was contracted.

I have, from the documents furnished by the State of Texas, determined the classes of claims which, in my judgment, fall within the provision of the act of Congress of the 9th of September, 1850.

On being officially informed of the acceptance by Texas of the propositions contained in the act referred to, I caused the stock to be prepared, and the five millions which are to be issued unconditionally, bearing an interest of five per cent from the first of January, 1851, have been for some time ready to be delivered to the State of Texas. The authorities of Texas, up to the present time, have not authorized any one to receive this stock, and it remains in the Treasury Department, subject to the order of Texas.

The releases, required by law to be deposited in the treasury, not having been filed there, the remaining five millions have not been issued. This last amount of the stock will be withheld from Texas until the conditions upon which it is to be delivered shall be complied with by the creditors of that State, unless Congress shall otherwise direct by a modification of the law.

In my last annual message, to which I respectfully refer, I stated briefly the reasons which induced me to recommend a modification of the present tariff, by converting the *ad valorem* into a specific duty, wherever the article imported was of such a character as to permit it, and that such a discrimination should be made in favor of the industrial pursuits of our own country as to encourage home production without excluding foreign competition.

The numerous frauds which continue to be practiced upon the revenue by false invoices and under-valuations, constitute an unanswerable reason for adopting specific instead of *ad valorem* duties in all cases where the nature of the commodity does not



forbid it. A striking illustration of these frauds will be exhibited in the report of the Secretary of the Treasury, showing the custom-house valuation of articles imported under a former law subject to specific duties, when there was no inducement to under-valuation, and the custom-house valuations of the same articles under the present system of *ad valorem* duties, so greatly reduced as to leave no doubt of the existence of the most flagrant abuses under the existing laws. This practical evasion of the present law, combined with the languishing condition of some of the great interests of the country caused by over-importations and consequent depressed prices, and with the failure in obtaining a foreign market for our increasing surplus of breadstuffs and provisions, has induced me again to recommend a modification of the existing tariff.

The report of the Secretary of the Interior, which accompanies this communication, will present a condensed statement of the operations of that important department of the Government.

It will be seen that the cash sales of the public lands exceed those of the preceding year, and that there is reason to anticipate a still further increase, notwithstanding the large donations which have been made to many of the States, and the liberal grants to individuals as a reward for military services. This fact furnishes very gratifying evidence of the growing wealth and prosperity of our country.

Suitable measures have been adopted for commencing the survey of the public lands in California and Oregon. Surveying parties have been organized, and some progress has been made in establishing the principal base and meridian lines. But further legislation and additional appropriations will be necessary before the proper subdivisions can be made, and the general land system extended over those remote parts of our territory.

On the 3d of March last an act was passed providing for the appointment of three commissioners to settle private land claims in California. Three persons were immediately appointed, all of whom, however, declined accepting the office, in consequence of the inadequacy of the compensation. Others were promptly selected, who, for the same reason, also declined; and

it was not until late in the season that the services of suitable persons could be secured. A majority of the commissioners convened in this city on the 10th of September last, when detailed instructions were given to them in regard to their duties. Their first meeting for the transaction of business will be held in San Francisco on the eighth day of the present month.

I have thought proper to refer to these facts, not only to explain the causes of the delay in filling the commission, but to call your attention to the propriety of increasing the compensation of the commissioners. The office is one of great labor and responsibility, and the compensation should be such as to command men of a high order of talents and the most unquestionable integrity.

The proper disposal of the mineral lands of California is a subject surrounded by great difficulties. In my last annual message I recommended the survey and sale of them in small parcels, under such restrictions as would effectually guard against monopoly and speculation. But upon further information, and in deference to the opinions of persons familiar with the subject, I am inclined to change that recommendation, and to advise that they be permitted to remain, as at present, a common field, open to the enterprise and industry of all our citizens, until further experience shall have developed the best policy to be ultimately adopted in regard to them. It is safer to suffer the inconvenience that now exists, for a short period, than, by premature legislation, to fasten on the country a system founded in error, which may place the whole subject beyond the future control of Congress.

The agricultural lands should, however, be surveyed and brought into market with as little delay as possible, that the titles may become settled, and the inhabitants stimulated to make permanent improvements, and enter on the ordinary pursuits of life. To effect these objects it is desirable that the necessary provision be made by law for the establishment of land offices in California and Oregon, and for the efficient prosecution of the surveys at an early day.

Some difficulties have occurred in organizing the Territorial governments of New Mexico and Utah; and, when more accu-

rate information shall be obtained of the causes, a further communication will be made on that subject.

In my last annual communication to Congress I recommended the establishment of an agricultural bureau, and I take this occasion again to invoke your favorable consideration of the subject.

Agriculture may justly be regarded as the great interest of our people. Four-fifths of our active population are employed in the cultivation of the soil, and the rapid expansion of our settlements over new territory is daily adding to the number of those engaged in that vocation. Justice and sound policy, therefore, alike require that the Government should use all the means authorized by the Constitution to promote the interests and welfare of that important class of our fellow-citizens. And yet it is a singular fact that, while the manufacturing and commercial interests have engaged the attention of Congress during a large portion of every session, and our statutes abound in provisions for their protection and encouragement, little has yet been done directly for the advancement of agriculture. It is time that this reproach to our legislation should be removed; and I sincerely hope that the present Congress will not close their labors without adopting efficient means to supply the omissions of those who have preceded them.

An agricultural bureau, charged with the duty of collecting and disseminating correct information as to the best modes of cultivation, and of the most effectual means of preserving and restoring the fertility of the soil, and of procuring and distributing seeds and plants and other vegetable productions, with instructions in regard to the soil, climate, and treatment best adapted to their growth, could not fail to be, in the language of Washington, in his last annual message to Congress, a "very cheap instrument of immense national benefit."

Regarding the act of Congress, approved September 28, 1850, granting bounty lands to persons who had been engaged in the military service of the country, as a great measure of national justice and munificence, an anxious desire has been felt by the officers intrusted with its immediate execution, to give prompt effect to its provisions. All the means within their control were, therefore, brought into requisition to expedite

the adjudication of claims; and I am gratified to be able to state that near one hundred thousand applications have been considered, and about seventy thousand warrants issued within the short space of nine months. If adequate provision be made by law to carry into effect the recommendations of the Department, it is confidently expected that, before the close of the next fiscal year, all who are entitled to the benefits of the act will have received their warrants.

The Secretary of the Interior has suggested in his report various amendments of the laws relating to pensions and bounty lands, for the purpose of more effectually guarding against abuses and frauds on the Government; to all of which I invite your particular attention.

The large accessions to our Indian population consequent upon the acquisition of New Mexico and California, and the extension of our settlements into Utah and Oregon, have given increased interest and importance to our relations with the aboriginal race.

No material change has taken place within the last year in the condition and prospects of the Indian tribes who reside in the North-western territory and west of the Mississippi River. We are at peace with all of them; and it will be a source of pleasure to you to learn that they are gradually advancing in civilization and the pursuits of social life.

Along the Mexican frontier, and in California and Oregon, there have been occasional manifestations of unfriendly feeling, and some depredations committed. I am satisfied, however, that they resulted more from the destitute and starving condition of the Indians than from any settled hostility toward the whites. As the settlements of our citizens progress toward them the game upon which they mainly rely for subsistence is driven off or destroyed, and the only alternative left to them is starvation or plunder. It becomes us to consider, in view of this condition of things, whether justice and humanity, as well as an enlightened economy, do not require that, instead of seeking to punish them for offenses which are the result of our own policy toward them, we should not provide for their immediate wants, and encourage them to engage in agriculture, and to rely on their labor, instead of the chase, for the means of support.



Various important treaties have been negotiated with different tribes during the year, by which their title to large and valuable tracts of country has been extinguished; all of which will, at the proper time, be submitted to the Senate for ratification.

The joint commission under the treaty of Guadalupe-Hidalgo has been actively engaged in running and marking the boundary-line between the United States and Mexico. It was stated in the last annual report of the Secretary of the Interior that the initial point on the Pacific and the point of junction of the Gila with the Colorado River had been determined, and the intervening line, about one hundred and fifty miles in length, run and marked by temporary monuments. Since that time a monument of marble has been erected at the initial point, and permanent landmarks of iron have been placed at suitable distances along the line.

The initial point on the Rio Grande has also been fixed by the commissioners at latitude  $32^{\circ} 22'$ , and, at the date of the last communication, the survey of the line had been made thence westward, about one hundred and fifty miles, to the neighborhood of the copper-mines.

The commission on our part was at first organized on a scale which experience proved to be unwieldy, and attended with unnecessary expense. Orders have, therefore, been issued for the reduction of the number of persons employed within the smallest limits consistent with the safety of those engaged in the service and the prompt and efficient execution of their important duties.

Returns have been received from all the officers engaged in taking the census in the States and Territories, except California. The superintendent employed to make the enumeration in that State, has not yet made his full report, from causes, as he alleges, beyond his control. This failure is much to be regretted, as it has prevented the Secretary of the Interior from making the decennial apportionment of Representatives among the States, as required by the act approved May 23, 1850. It is hoped, however, that the returns will soon be received, and no time will then be lost in making the necessary apportionment, and in transmitting the certificates required by law.



The superintendent of the seventh census is diligently employed, under the direction of the Secretary of the Interior, in classifying and arranging, in tabular form, all the statistical information derived from the returns of the marshals, and it is believed that when the work shall be completed, it will exhibit a more perfect view of the population, wealth, occupations, and social condition of a great country, than has ever been presented to the world. The value of such a work, as the basis of enlightened legislation, can hardly be overestimated; and I earnestly hope that Congress will lose no time in making the appropriations necessary to complete the classifications, and to publish the results in a style worthy of the subject, and of our national character.

The want of a uniform fee-bill, prescribing the compensation to be allowed district attorneys, clerks, marshals, and commissioners, in civil and criminal cases, is the cause of much vexation, injustice, and complaint. I would recommend a thorough revision of the laws on the whole subject, and the adoption of a tariff of fees which, as far as practicable, should be uniform, and prescribe a specific compensation for every service which the officer may be required to perform. This subject will be fully presented in the report of the Secretary of the Interior.

In my last annual message I gave briefly my reasons for believing that you possessed the Constitutional power to improve the harbors of our great lakes and sea-coast and the navigation of our principal rivers, and recommended that appropriations should be made for completing such works as had already been commenced, and for commencing such others as might seem to the wisdom of Congress to be of public and general importance. Without repeating the reasons then urged, I deem it my duty again to call your attention to this important subject. The works on many of our harbors were left in an unfinished state, and, consequently, exposed to the action of the elements, which is fast destroying them. Great numbers of lives and vast amounts of property are annually lost for want of safe and convenient harbors on the lakes. None but those who have been exposed to that dangerous navigation can fully appreciate the importance of this subject. The whole Northwest appeals to you for

relief, and I trust their appeal will receive due consideration at your hands.

The same is in a measure true in regard to some of the harbors and inlets on the sea-coast.

The unobstructed navigation of our large rivers is of equal importance. Our settlements are now extending to the sources of the great rivers which empty into and form a part of the Mississippi, and the value of the public lands in those regions would be greatly enhanced by freeing the navigation of those waters from obstructions. In view, therefore, of this great interest, I deem it my duty again to urge upon Congress to make such appropriations for these improvements as they may deem necessary.

The surveys of the delta of the Mississippi, with a view to the prevention of the overflows that have proved so disastrous to that region of country, have been nearly completed, and the reports thereof are now in course of preparation, and will shortly be laid before you.

The protection of our South-western frontier, and of the adjacent Mexican States, against the Indian tribes within our border, has claimed my earnest and constant attention. Congress having failed, at the last session, to adopt my recommendation that an additional regiment of mounted men specially adapted to that service should be raised, all that remained to be done was to make the best use of the means at my disposal. Accordingly, all the troops adapted to that service that could properly be spared from other quarters have been concentrated on that frontier, and officers of high reputation selected to command them. A new arrangement of the military posts has also been made whereby the troops are brought nearer to the Mexican frontier and to the tribes they are intended to overawe.

Sufficient time has not yet elapsed to realize all the benefits that are expected to result from these arrangements, but I have every reason to hope that they will effectually check their marauding expeditions. The nature of the country, which furnishes little for the support of an army, and abounds in places of refuge and concealment, is remarkably well adapted to this predatory warfare; and we can scarcely hope that any

military force, combined with the greatest vigilance, can entirely suppress it.

By the treaty of Guadalupe-Hidalgo we are bound to protect the territory of Mexico against the incursions of the savage tribes within our border, "with equal diligence and energy" as if the same were made within our territory or against our citizens. I have endeavored to comply, as far as possible, with this provision of the treaty. Orders have been given to the officers commanding on that frontier to consider the Mexican territory and its inhabitants as, equally with our own, entitled to their protection, and to make all their plans and arrangements with a view to the attainment of this object. Instructions have also been given to the Indian commissioners and agents among these tribes, in all treaties, to make the clauses designed for the protection of our own citizens apply also to those of Mexico. I have no reason to doubt that these instructions have been fully carried into effect. Nevertheless, it is probable that in spite of all our efforts, some of the neighboring States of Mexico may have suffered, as our own have, from depredations by the Indians.

To the difficulties of defending our own territory, as above mentioned, are superadded, in defending that of Mexico, those that arise from its remoteness, from the fact that we have no right to station our troops within her limits, and that there is no efficient military force on the Mexican side to co-operate with our own. So long as this shall continue to be the case, the number and activity of our troops will rather increase than diminish the evil, as the Indians will naturally turn toward that country where they encounter the least resistance. Yet these troops are necessary to subdue them, and to compel them to make and observe treaties. Until this shall have been done, neither country will enjoy any security from their attacks.

The Indians in California, who had previously appeared of a peaceable character, and disposed to cultivate the friendship of the whites, have recently committed several acts of hostility. As a large portion of the re-enforcements sent to the Mexican frontier were drawn from the Pacific, the military force now stationed there is considered entirely inadequate to its defense. It can not be increased, however, without an

increase of the army; and I again recommend that measure as indispensable to the protection of the frontier.

I invite your attention to the suggestions on this subject, and on others connected with his Department, in the report of the Secretary of War.

The appropriations for the support of the army during the current fiscal year ending 30th June next were reduced far below the estimate submitted by the Department. The consequence of this reduction is a considerable deficiency, to which I invite your early attention.

The expenditures of that Department for the year ending 30th June last were \$9,060,268.58. The estimates for the year commencing 1st July next, and ending June 30, 1853, are \$7,898,775.83; show a reduction of \$1,161,492.75.

The Board of Commissioners, to whom the management of the affairs of the Military Asylum, created by the Act of 3d March last, was intrusted, have selected a site for the establishment of an asylum in the vicinity of this city, which has been approved by me, subject to the production of a satisfactory title.

The report of the Secretary of the Navy will exhibit the condition of the public service under the supervision of that Department. Our naval force afloat during the present year, has been actively and usefully employed in giving protection to our widely extended and increasing commerce and interests in the various quarters of the globe, and our flag has everywhere afforded the security and received the respect inspired by the justice and liberality of our intercourse and the dignity and power of the nation.

The expedition commanded by Lieutenant De Haven, dispatched in search of the British Commander, Sir John Franklin, and his companions in the Arctic Seas, returned to New York in the month of October, after having undergone great peril and suffering from an unknown and dangerous navigation and the rigors of a northern climate, without any satisfactory information of the objects of their search, but with new contributions to science and navigation from the unfrequented polar regions. The officers and men of the expedition having been all volunteers for this service, and having so con-



ducted it as to meet the entire approbation of the Government, it is suggested, as an act of grace and generosity, that the same allowances of extra pay and emoluments be extended to them that were made to the officers and men of like rating in the late exploring expedition to the South Seas.

I earnestly recommend to your attention the necessity of reorganizing the naval establishment, apportioning and fixing the number of officers in each grade, providing some mode of promotion to the higher grades of the navy, having reference to merit and capacity rather than seniority or date of entry into the service, and for retiring from the effective list upon reduced pay those who may be incompetent to the performance of active duty. As a measure of economy, as well as of efficiency in this arm of the service, the provision last mentioned is eminently worthy of your consideration.

The determination of the questions of relative rank between the sea officers and civil officers of the navy, and between officers of the army and navy, in the various grades of each, will also merit your attention. The failure to provide any substitute, when corporal punishment was abolished for offenses in the navy, has occasioned the convening of numerous courts-martial upon the arrival of vessels in port, and it is believed to have had an injurious effect upon the discipline and efficiency of the service. To moderate punishment from one grade to another is among the humane reforms of the age; but to abolish one of severity, which applied so generally to offenses on shipboard, and provide nothing in its stead, is to suppose a progress of improvement in every individual among seamen which is not assumed by the Legislature in respect to any other class of men. It is hoped that Congress, in the ample opportunity afforded by the present session, will thoroughly investigate this important subject, and establish such modes of determining guilt and such gradations of punishment as are consistent with humanity and the personal rights of individuals, and at the same time shall insure the most energetic and efficient performance of duty and the suppression of crime in our ships-of-war.

The stone dock in the navy-yard at New York, which was ten years in process of construction, has been so far finished as to be surrendered up to the authorities of the yard. The



dry-dock at Philadelphia is reported as completed, and is expected soon to be tested and delivered over to the agents of the Government. That at Portsmouth, New Hampshire, is also nearly ready for delivery; and a contract has been concluded, agreeably to the Act of Congress at its last session, for a floating sectional dock on the Bay of San Francisco. I invite your attention to the recommendation of the Department touching the establishment of a navy-yard in conjunction with this dock on the Pacific. Such a station is highly necessary to the convenience and effectiveness of our fleet in that ocean, which must be expected to increase with the growth of commerce and the rapid extension of our whale-fisheries over its waters.

The Naval Academy at Annapolis, under a revised and improved system of regulations, now affords opportunities of education and instruction to the pupils quite equal, it is believed, for professional improvement, to those enjoyed by the cadets in the Military Academy. A large class of acting midshipmen was received at the commencement of the last academic term, and a practice-ship has been attached to the institution, to afford the amplest means for regular instruction in seamanship, as well as for cruises during the vacations of three or four months in each year.

The advantages of science in nautical affairs have rarely been more strikingly illustrated than in the fact stated in the report of the Navy Department, that, by means of the wind and current charts, projected and prepared by Lieutenant Maury, the Superintendent of the Naval Observatory, the passage from the Atlantic to the Pacific ports of our country has been shortened by about forty days.

The estimates for the support of the Navy and Marine Corps, the ensuing fiscal year, will be found to be \$5,856,472.19, the estimates for the current year being \$5,900,621.

The estimates for special objects under the control of this Department amount to \$2,684,220.89, against \$2,210,980 for the present year, the increase being occasioned by the additional mail service on the Pacific Coast, and the construction of the dock in California, authorized at the last session of Congress, and some slight additions under the head of improvements and repairs in navy-yards, buildings, and machinery.

I deem it of much importance to a just economy and a correct understanding of naval expenditures, that there should be an entire separation of the appropriations for the support of the naval service proper from those for permanent improvements at navy-yards and stations, and from ocean-steam mail service, and other special objects assigned to the supervision of this Department.

The report of the Postmaster-General, herewith communicated, presents an interesting view of the progress, operations, and condition of his Department.

At the close of the last fiscal year, the length of mail-routes within the United States was 196,290 miles; the annual transportation thereon, 53,272,252 miles; and the annual cost of such transportation, \$3,421,754.

The length of the foreign mail-routes is estimated at 18,349 miles, and the annual transportation thereon at 615,206 miles. The annual cost of this service is \$1,472,187, of which \$448,937 is paid by the Post-office Department, and \$1,023,250 are paid through the Navy Department.

The annual transportation *within* the United States (excluding the service in California and Oregon, which is now for the first time reported and embraced in the tabular statements of the Department), exceeds that of the preceding year 6,162,855 miles, at an increased cost of \$547,110.

The whole number of post-offices in the United States on the 30th day of June last was 19,796. There were 1,698 post-offices established, and 256 post-offices discontinued, during the year.

The gross revenues of the Department for the fiscal year, including the appropriations for the franked matter of Congress, of the Departments, and officers of Government, and excluding the foreign postages, collected for and payable to the British post-office, amounted to \$6,727,866.78.

The expenditures for the same period (excluding \$20,599.49, paid under an award of the auditor, in pursuance of a resolution of the last Congress, for mail service on the Ohio and Mississippi Rivers in 1832 and 1833, and the amount paid to the British post-office for foreign postages collected for and payable to that office) amounted to \$6,024,566.79; leaving a

balance of revenue over the proper expenditures of the year of \$703,299.99.

The receipts of postages during the year (excluding the foreign postages collected for and payable to the British post-office) amounted to \$6,345,747.21, being an increase of \$997,610.79, or 18.65 per cent over the like receipts for the preceding year.

The reduction of postage under the act of March last, did not take effect until the commencement of the present fiscal year. The accounts for the first quarter, under the operation of the reduced rates, will not be settled before January next; and no reliable estimates of the receipts for the present year can yet be made. It is believed, however, that they will fall far short of those of the last year. The surplus of the revenues now on hand is, however, so large, that no further appropriation from the treasury, in aid of the revenues of the Department, is required for the current fiscal year; but an additional appropriation for the year ending June 30, 1853, will probably be found necessary when the receipts of the first two quarters of the fiscal year are fully ascertained.

In his last annual report, the Postmaster-General recommended a reduction of postage to rates which he deemed as low as could be prudently adopted, unless Congress was prepared to appropriate from the treasury, for the support of the Department, a sum more than equivalent to the mail services performed by it for the Government. The recommendations of the Postmaster-General in respect to the letter postage, except on letters from and to California and Oregon, were substantially adopted by the last Congress. He now recommends adherence to the present letter-rates, and advises against a further reduction until justified by the revenue of the Department.

He also recommends that the rates of postage on printed matter be so revised as to render them more simple and more uniform in their operation upon all classes of printed matter. I submit the recommendations of the report to your favorable consideration.

The public statutes of the United States have now been accumulating for more than sixty years, and, interspersed with private acts, are scattered through numerous volumes; and, from the cost of the whole, have become almost inaccessible

to the great mass of the community. They also exhibit much of the incongruity and imperfection of hasty legislation. As it seems to be generally conceded that there is no "common law" of the United States to supply the defects of their legislation, it is most important that that legislation should be as perfect as possible, defining every power intended to be conferred, every crime intended to be made punishable, and prescribing the punishment to be inflicted. In addition to some particular cases spoken of more at length, the whole criminal code is now lamentably defective. Some offenses are imperfectly described, and others are entirely omitted, so that flagrant crimes may be committed with impunity. The scale of punishment is not in all cases graduated according to the degree and nature of the offense, and is often rendered more unequal by the different modes of imprisonment, or penitentiary confinement, in the different States.

Many laws of a permanent character have been introduced into appropriation bills, and it is often difficult to determine whether the particular clause expires with the temporary act of which it is a part, or continues in force. It has also frequently happened that enactments and provisions of law have been introduced into bills with the title or general subject of which they have little or no connection or relation. In this mode of legislation so many enactments have been heaped upon each other, and often with but little consideration, that, in many instances, it is difficult to search out and determine what is the law.

The Government of the United States is emphatically a government of written laws. The statutes should, therefore, as far as practicable, not only be made accessible to all, but be expressed in language so plain and simple as to be understood by all, and arranged in such method as to give perspicuity to every subject. Many of the States have revised their public acts with great and manifest benefit; and I recommend that provision be made by law for the appointment of a commission to revise the public statutes of the United States, arranging them in order, supplying deficiencies, correcting incongruities, simplifying their language, and reporting them to Congress for its action.



An act of Congress approved 30th September, 1850, contained a provision for the extension of the Capitol, according to such plan as might be approved by the President, and appropriated one hundred thousand dollars to be expended under his direction, by such architect as he should appoint to execute the same. On examining the various plans which had been submitted by different architects, in pursuance of an advertisement by a committee of the Senate, no one was found to be entirely satisfactory, and it was therefore deemed advisable to combine and adopt the advantages of several.

The great object to be accomplished was to make such an addition as would afford ample and convenient halls for the deliberations of the two Houses of Congress, with sufficient accommodations for spectators, and suitable apartments for the committees and officers of the two branches of the Legislature. It was also desirable not to mar the harmony and beauty of the present structure, which, as a specimen of architecture, is so universally admired. Keeping these objects in view, I concluded to make the addition by wings, detached from the present building, yet connected with it by corridors. This mode of enlargement will leave the present Capitol uninjured, and afford great advantages for ventilation and the admission of light, and will enable the work to progress without interrupting the deliberations of Congress. To carry this plan into effect I have appointed an experienced and competent architect. The corner-stone was laid on the fourth day of July last with suitable ceremonies, since which time the work has advanced with commendable rapidity, and the foundations of both wings are now nearly complete.

I again commend to your favorable regard the interests of the District of Columbia, and deem it only necessary to remind you, that although its inhabitants have no voice in the choice of Representatives in Congress, they are not the less entitled to a just and liberal consideration in your legislation. My opinions on this subject were more fully exposed in my last annual communication.

Other subjects were brought to the attention of Congress in my last annual message, to which I would respectfully refer. But there was one of more than ordinary interest, to which I



again invite your special attention. I allude to the recommendation for the appointment of a commission to settle private claims against the United States. Justice to individuals, as well as to the Government, imperatively demands that some more convenient and expeditious mode than an appeal to Congress should be adopted.

It is deeply to be regretted that in several instances officers of the Government, in attempting to execute the law for the return of fugitives from labor, have been openly resisted, and their efforts frustrated and defeated by lawless and violent mobs; that in one case such resistance resulted in the death of an estimable citizen, and, in others, serious injury ensued to those officers and to individuals who were using their endeavors to sustain the laws. Prosecutions have been instituted against the alleged offenders, so far as they could be identified, and are still pending. I have regarded it as my duty, in these cases, to give all aid legally in my power to the enforcement of the laws, and I shall continue to do so wherever and whenever their execution may be resisted.

The act of Congress for the return of fugitives from labor is one required and demanded by the express words of the Constitution.

The Constitution declares: "That no person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due." This Constitutional provision is equally obligatory upon the Legislative, the Executive, and Judicial Departments of the Government, and upon every citizen of the United States.

Congress, however, must, from necessity, first act upon the subject, by prescribing the proceedings necessary to ascertain that the person is a fugitive, and the means to be used for his restoration to the claimant. This was done by an act passed during the first term of President Washington, which was amended by that enacted by last Congress, and it now remains for the Executive and Judicial Departments to take care that these laws be faithfully executed. This injunction of the Constitution is as peremptory and as binding as any other;

it stands exactly on the same foundation as that clause which provides for the return of fugitives from justice, or that which declares that no bill of attainder or *ex post facto* law shall be passed, or that which provides for an equality of taxation according to the census, or the clause declaring that all duties shall be uniform throughout the United States, or the important provision that the trial of all crimes shall be by jury. These several articles and clauses of the Constitution, all resting on the same authority, must stand or fall together. Some objections have been urged against the details of the act for the return of fugitives from labor; but it is worthy of remark, that the main opposition is aimed against the Constitution itself, and proceeds from persons, and classes of persons, many of whom declare their wish to see that Constitution overturned. They avow their hostility to any law which shall give full and practical effect to this requirement of the Constitution. Fortunately, the number of these persons is comparatively small, and is believed to be daily diminishing, but the issue which they present is one which involves the supremacy, and even the existence, of the Constitution.

Cases have heretofore arisen in which individuals have denied the binding authority of acts of Congress, and even States have proposed to nullify such acts upon the ground that the Constitution was the supreme law of the land, and that those acts of Congress were repugnant to that instrument; but nullification is now aimed, not so much against particular laws as being inconsistent with the Constitution, as against the Constitution itself; and it is not to be disguised that a spirit exists, and has been actively at work, to rend asunder this Union, which is our cherished inheritance from our Revolutionary fathers.

In my last annual message I stated that I considered the series of measures which had been adopted at the previous session in reference to the agitation growing out of the territorial and slavery questions as a final settlement in principle and substance of the dangerous and exciting subjects which they embraced; and I recommend adherence to the adjustment established by those measures, until time and experience should demonstrate the necessity of further legislation to guard against

evasion or abuse. I was not induced to make this recommendation because I thought those measures perfect, for no human legislation can be perfect. Wide differences and jarring opinions can only be reconciled by yielding something on all sides, and this result had been reached after an angry conflict of many months, in which one part of the country was arrayed against another, and violent convulsion seemed to be imminent. Looking at the interests of the whole country, I felt it to be my duty to seize upon this compromise as the best that could be obtained amid conflicting interests, and to insist upon it as a final settlement, to be adhered to by all who value the peace and welfare of the country. A year has now elapsed since that recommendation was made. To that recommendation I still adhere, and I congratulate you and the country upon the general acquiescence in these measures of peace which has been exhibited in all parts of the Republic. And not only is there this general acquiescence, but the spirit of conciliation which has been manifested in regard to them in all parts of the country has removed doubts and uncertainties in the minds of thousands of good men concerning the durability of our popular institutions, and given renewed assurance that our liberty and our Union may subsist together for the benefit of this and all succeeding generations.

## CHAPTER XIV.

KOSSUTH PRANCES THROUGH THE UNITED STATES—EXTRAORDINARY SCENES—RESULTS—"THE UNITED AMERICANS."

FOR several years there had been much interest felt in this country in the struggles of Hungary, and besides the hot speeches and demonstrations of the people, the Administration of General Taylor, and then that of his successor, displayed strong sympathy in behalf of Louis Kossuth and his followers. Mr. Clayton, Secretary of State, by order of President Taylor, had instructed the American Minister in Constantinople to offer Kossuth and his immediate followers an asylum in the United States. But this request the "Sublime Porte," who had become Kossuth's keeper at the instance of the Emperor of Austria, could not then grant. Under Mr. Fillmore this offer was again put forward, and this time with more success. Although the Turkish government had undertaken to detain Kossuth only one year, Austria decidedly opposed the proposition from America, and not until England had, by her Minister, Stratford Canning, exerted her influence to the same end, did the Porte consent to go contrary to the wish of Austria, and in August, 1851, allow the departure of Kossuth, his wife and children,

and immediate political followers, in the American frigate *Mississippi*.

In compliance with the recommendation of the President, Wm. H. Seward and Henry S. Foote introduced resolutions in Congress providing for the reception of Kossuth. By a large majority in both Houses it was finally decided that "Congress, in the name and behalf of the people of the United States, give Louis Kossuth a cordial welcome to the Capital and the country." But this was not effected without opposition. It was wisely and fittingly argued by those averse to Congress taking such a step that La Fayette, who had real claims upon the country, was the only foreigner who had received a national welcome; that there was no example giving sanction to such a course; that the friendship between nations at peace made it improper; that the freedom of the world was best advanced by our example in cultivating peace and prosperity at home, and that it had always been the national policy to avoid entanglements in the affairs of foreign nations. The friends of the resolution met these arguments by specious appeals mainly to the generosity and sympathy of the country.

Kossuth desired to pass from Marseilles through France, but the French government refusing to grant him this privilege, he left the American vessel at Gibraltar, and in an English steamer was landed at Southampton, October 23d. After a favorable reception in England he sailed for the United States, and on the 5th of December, 1851, entered New



York harbor, and on the following day was landed at Castle Garden, and for several days was about the only object of public interest in the great city. Invitations were sent, or carried by deputations, from various parts of the country to him; and from first to last the demonstrations of sympathy and respect for him and his cause were wonderful beyond anything of the kind which has ever been exhibited in this country. This fact, no doubt, gave additional boldness, and, may be, officious and insulting impertinence to his speeches and acts. His free use of the language of this country, his fine oratoric ability, and his good general knowledge of the history and Government of the country, surprised and fascinated people of every class; but his assumption as a teacher of law and duty to a nation of free politicians, and his utter ignoring of the established practices of this Government, and the common mode of Constitutional interpretation and views of republicanism, as well as Christian charity, disappointed and chagrined many.

Seeing the folly of the people as well as that of Kossuth, the President and his Cabinet decided to give him a formal reception; and the Senate also especially pointed out the danger into which popular sympathy might lead the Government. In his reception speech, in New York, Kossuth declared against the policy of non-intervention in foreign affairs recommended by Washington and mainly by all those who came after him, and more than intimated that the best informed of the people of this

country did not understand the true spirit and interpretation of their Constitution. At a dinner given by the New York bar he carried matters with a high hand, and insisted that the Government of the United States should interfere in the affairs of Hungary at the risk of war with Russia.

On the 23d of December Kossuth left New York, stopping at Philadelphia and Baltimore, and with his suite of twenty-three followers, mostly men of rude and vulgar habits, he reached Washington on the 30th, and was formally presented to the President on the following day. In replying to Kossuth's address on this occasion Mr. Fillmore said:—

“I am happy, Governor Kossuth, to welcome you to this land of freedom; and it gives me pleasure to congratulate you upon your release from a long confinement in Turkey, and your safe arrival here. As an individual, I sympathized deeply with you in your brave struggle for the independence and freedom of your native land. The American people can never be indifferent to such a contest; but our policy as a nation, in this respect, has been uniform from the commencement of our Government; and my own views, as the Chief Executive Magistrate of this Nation, are fully and freely expressed in my recent message to Congress, to which you have been pleased to allude. They are the same, whether speaking to Congress here, or to the nations of Europe.

“Should your country be restored to independence and freedom, I should then wish you, as the greatest blessing you could enjoy, a restoration to your native land; but should that never happen, I can only repeat my welcome to you and your companions here, and pray that God's

blessing may rest upon you wherever your lot may be cast."

There could have been no improvement upon the sentiment of this plain, simple, and dignified speech by the President. On the 5th of January Kossuth was introduced to the Senate and House of Representatives in a most extraordinary and formal way, and both Houses adjourned immediately after the ceremony that the members might be presented to the interesting guest. He entered the Senate chamber on the arm of General James Shields and accompanied by Senators Lewis Cass and William H. Seward. In reply to the welcome of Speaker Boyd in the House Kossuth said:—

"SIR,—It is a remarkable fact in the history of mankind, that while, through all the past, honors were bestowed upon glory, and glory was attached only to success, the legislative authorities of this great Republic bestow the highest honors upon a persecuted exile, not conspicuous by glory nor favored by success, but engaged in a just cause. There is a triumph of republican principles in this fact. Sir, in my own and my country's name, I thank the House of Representatives of the United States for the honor of this cordial welcome."

At this reception Kossuth appeared, as he usually did at other places, in military dress with a steel scabbarded sword clanking at his side and over the stone floors of the Capitol.

On the 7th of January he was favored with a Congressional banquet at the National Hotel. William R. King, President of the Senate, presided, with Kossuth and Linn Boyd on his right at the table, and Daniel

Webster on the other hand, with three hundred other guests. Among the many speeches on this occasion Mr. Webster's was, perhaps the most noteworthy. To some extent representing the Administration, he exhibited all the sympathy and feeling that a generous people could bestow, while carefully avoiding the idea that this Government could entertain the proposition to interfere in Hungarian or other foreign affairs, as bitterly as it opposed the assumption of the "Holy Alliance" that no nation should change its system at the expense of the security of monarchy.

The whole country was running wild over Kossuth and Hungary, and it was thought at one time that the former policy of the Government as to avoiding complications in European affairs was about to receive a fatal blow from the excitement of the moment. Even governors and Legislatures were recommending intervention in favor of Hungary, and New England, especially, was loud in her advocacy of intervention, and the display of a very moderate degree of respect for the opinions and practices, which had from the influence of Washington and the necessities of self-interest become the established policy of the General Government. But the Administration of Mr. Fillmore was far beyond the possible reach of this excitement, and the time-honored policy of the Government was in no danger. The President had just urged the severe non-intervention principle of this Nation as one strong argument in support of the request that France and England should pursue the

same course in not interfering in Cuban or other American affairs. While this Government had from the outset planted itself upon the principle of non-intervention in European affairs, it had also at an early day boldly applied the principle as a governing motive in the conduct of foreign nations toward America. From James Monroe to this day no Administration has been disposed or able to depart from this position.

The conduct of Kossuth and his rude followers was not satisfactory to most public men at the Capital, and while his expenses were borne by Congressional appropriation, even so far as to paying for the filth and poison in the shape of tobacco consumed by his attendants, it was soon seen that some kind of check must be put in the way of Kossuth's arrogance, and of the popular enthusiasm. The 22d of February was chosen as the day for this purpose. A petition from Philadelphia from prominent men of all parties to Congress asking that some more than ordinary notice be taken of Washington's birthday in a way to show that his teachings were yet of vital importance, and to give a proper direction of charitable sympathy to the Hungarians, for whom the Administration had already risked the charge of foreign intervention by securing the removal of Kossuth and his family and followers to this country.

Mr. Crittenden, the Attorney-General, was called upon to present the Philadelphia petition to the House of Representatives, and on the 17th of February, 1852, Alexander H. Stevens on the part of



the Committee of Arrangements of the House wrote this note to Mr. Crittenden:—

“MY DEAR SIR,—It is the wish of the committee that the birth-night celebration come off at Willard’s Hotel, on Saturday night, and that you should respond to a sentiment in allusion to the President and heads of the Administration. I intended to call and give you notice of the position assigned you in the order of the day, but have been too much occupied. You must hold yourself in readiness for the call made upon you.

“The dinner is an anti-Kossuth affair, or at least it is intended as a demonstration in favor of the neutral policy of Washington. It is our intention to have the proceedings of the evening, with all the speeches, etc., printed in neat pamphlet form for circulation. Hour of meeting, seven o’clock. Yours most respectfully,

“ALEXANDER H. STEVENS.”

In his speech at the birth-night celebration, or anti-Kossuth banquet, after a glowing eulogy on the life and character of Washington, Mr. Crittenden referred to his teachings, and especially those left as guides to his countrymen. Of the two leading themes of the Farewell Address he said:—

“You are familiar with that Address, gentlemen, and I will therefore only ask you to allow me to allude to the two subjects upon which he has been peculiarly emphatic in his advice. The one is to preserve the union of the States. That, he says, is the main pillar of the edifice of our independence and of our liberties; frown down every attempt to bring it into question, much less to subvert it; when it is gone, all is gone. Let us heed this lesson and be careful. I trust in God we have no grounds to apprehend such a degree of oppression as will compel us to raise our suicidal arms for the destruction of this great

Government and of this Union which makes us brethren. I do not allow my mind to look forward to such a disaster. I will look upon this Union as indissoluble, and as firmly rooted as the mountains of our native land. I will hope so ; I will believe so ; I will act so ; and nothing but a necessity, invincible and overwhelming, can drive me to disunion. This is the sentiment, as I understand it, which Washington inculcates. . . .

“ But there are external dangers, also, against which Washington warns us, and that is the second subject to which I desire to ask your attention. Beware, he says, of the introduction or exercise of a foreign influence among you. We are Americans. Washington has taught us, and we have learned, to govern ourselves. If the rest of the world have not yet learned that great lesson, how shall they teach us? Shall they undertake to expound to us the Farewell Address of our Washington, or to influence us to depart from the policy recommended by him? We are the teachers, and they have not or they will not learn ; and yet they come to teach us. Be jealous, he said, of all foreign influence, and enter into entangling alliances with none. Cherish no particular partiality or prejudice for or against any people. Be just to all ; impartial to all. It is folly to expect disinterested favors from any nation. That is not the relation or character of nations. . . . Go not abroad to mingle yourselves in the quarrels or wars of other nations. Take care to do them no wrong, but avoid the romantic notion of righting the wrongs of all the world, and resisting by arms the oppression of all.

“ The sword and the bayonet have been useful in defending the rights and liberties of those who used them ; but in what other hands have they contributed to promote the course of freedom or of human rights? The heart must be prepared for liberty. The understanding must know what it is, and how to value it. . . .

“ But it is said that we have the right to interfere in the affairs of other nations. Why, certainly we have—certainly we have. Any man has the right, if he pleases, to busy himself in the affairs and quarrels of all his neighbors; but he will not be likely to profit by it, and would be called a busybody for his pains. . . . There are cases so connected with our own interests, and with the cause of humanity, that interference would be proper. But still it is a question for the sound discretion of this people—a question always of expediency—whether you will or will not interfere; and it is just because it is a question of that character, and because our passions and sympathies may often tempt us to err upon it, that Washington has made it the subject of this emphatic admonition. . . .

“ I beg pardon for the time I have occupied, but I hope that I may be excused for saying that I feel safer, I feel that my country is safer, while pursuing the policy of Washington, than in making any new experiments in politics upon any new expositions of Washington’s legacy and advice to the American people. I want to stand, *super antiquas vias*, upon the old road that Washington traveled, and that every President from Washington to Fillmore has traveled. This policy of non-intervention in the affairs of other countries has been maintained and sanctified by all great magistrates. I may be defective in what is called the ‘spirit of the age,’ for aught that I know; but I acknowledge that I feel safer in this ancient and well-tried policy than in the novelties of the present day.

“ And now, in conclusion, I hope I may be excused for saying that it has been the effort of the present Administration—I ask no compliment for it—to follow in the track that Washington marked out, and, with whatever unequal steps, it has endeavored to follow after him. That has been the model upon which Mr. Fillmore has

endeavored, as it regarded all foreign countries, to fashion the course of policy of his Administration."

Mr. Crittenden's speech was received with unanimous favor, at times the entire assembly rising to stop the speaker in cheers; in fact, it was delivered in a storm of applause and patriotic feeling. Some of its thrusts were pointed directly at Kossuth, who had already undertaken in his public speeches to undo the teachings of Washington and the former practices of the country, and teach the people and the Administration their duty towards all nations, and especially as to the affairs of Hungary.

On the 12th of January Kossuth left Washington for the West and South. Before leaving the Capital he addressed a letter to President Fillmore, thanking the Administration and Congress for the extraordinary kindness and attention bestowed upon him, and requesting the President to convey his feelings, thus expressed, to Congress. After his departure, Mr. Webster wrote to him to the effect that the usage of the Government prevented the President complying with his request, and advised him to make any communication directly to Congress. This Kossuth did while stopping at Cincinnati.

From Washington he went to the capital of Maryland, then to Harrisburg, and to Cleveland, Columbus, Cincinnati, Indianapolis, Louisville, St. Louis, New Orleans, Jackson, and Mobile; then back to New Jersey, New York, Massachusetts, etc.

In one of his last lectures or speeches in this country, delivered in Broadway Tabernacle, New



York, June 21, 1852, Kossuth blessed, and gently cursed, the people he was about to leave. With the wonderful charity and sympathy with which he had been met, he was not satisfied. He denied that the real Christian age had come, or that a Christian nation had yet been born, and after throwing the defective Christianity of this Government in the teeth of his hearers, warned them of their indifferent security, and predicted the downfall of the Government. The following extract will exhibit the oratoric Magyar's spirit at the end of his wonderful reception in this country :—

“O Charity! thou fairest gift of Heaven, thou family link between nations, thou rock of their security, thou deliverer of the oppressed!—when comes thy realm? Where is the man whom the Lord has chosen to establish thy realm? Who is the man whom the Lord has chosen to realize the religion, the tenets of which the most beloved disciple of the Savior has recorded from his divine lips? Who is the man to reform, not Christian creeds, but Christian morality? Man? No; that is no task for a man, but for a nation. Man may teach a doctrine; but that doctrine of charity is taught, and taught with such sublime simplicity, that no sectarist yet has disputed its truth.

“Historians have been quarreling about mysteries, and lost empires through their disputes. The Greeks were controversially disputing whether the Holy Ghost descends from the Father alone, or from the Father and Son; and when Mahomet battered the walls of Byzantium, they heard it not. He pulled down the cross from Santa Sophia; they saw it not, till the cimeter of the Turk stopped the rage of quarrel with the blow of death.



In other quarters they went on disputing and deciding with mutual anathemas the question of transfiguration, and many other mysteries, which, being mysteries, constitute the private dominion of belief. But the doctrine of charity none of them disputes; there they all agree; nay, in the idle times of scholastical subtlety, they have been quarreling about the most extravagant fancies of a scorched imagination. Mighty folios have been written about the problem how many angels could dance upon the top of a needle without touching each other. . . .

“Still, the doctrine of Christian charity is so sublime in its simplicity that not even the subtlety of scholasticism dared ever to profane it by any controversy; and still that sublime doctrine is not executed, and the religion of charity is not realized yet. The task of this glorious progress is only to be done by a free and powerful nation, because it is a task of action, and not of teaching. Individual man can but execute it in the narrow compass of the small relations of private life. It is only the power of a nation which can raise it to become a ruling law on earth; and, before this is done, the triumph of Christianity is not arrived; and, without that triumph, freedom and prosperity, even of the mightiest nation, is not for a moment safe from internal decay, or from foreign violence.

“Which is the nation to achieve that triumph of Christianity, by protecting justice with charity? Which shall do it, if not yours, whom the Lord has blessed above all, and from whom he much expects, because he has given it much.

“Ye ministers of the gospel, who have devoted your life to expound the eternal truth of the Book of Life, remember my humble words, and remind those who, with pious hearts, listen to your sacred words, that half virtue is no virtue at all, and that there is no difference in the duties of charity between public and private life.

“Ye missionaries, who have devoted your life to the propagation of Christianity, before you embark for the dangers of far inhospitable shores, remind those whom you leave that the example of a nation exercising right and justice on earth by charity, would be the mightiest propagandism of the Christian religion.

“Ye patriots, loving your country’s future, and anxious about her security, remember the admonitions of history; remember that the freedom, the power, and the prosperity in which your country glories, is no new apparition on earth; others also have had it, and yet they are gone. The prudence with which your forefathers have founded this commonwealth, the courage with which you develop it, other nations also have shown, and still they are gone.”

It was, perhaps, well after all to throw our religion at us. It is a very tantalizing and trying performance, and nobody knew this better than Kossuth. However faulty a man’s religion, it is really not always safe to tell him of it. Then, there never was any doubt about the fact that the non-intervention, the foreign policy of this Government, originally a necessity, perhaps, was founded upon selfishness, if it had some grains of commendable prudence, and deference for the wants and intentions of other nations. To mind one’s own business may not always be a virtue. It often requires no little wisdom and judgment to distinguish the line that bounds a man’s own business, or the point at which he should interfere in his neighbor’s. There is always a trace of something sneaking and unmanly about anything done merely for policy’s sake. Even the honesty that is founded on policy is lean and contemptible. But that Louis Kossuth should

vilify the country that showed him such extraordinary attentions, and "lecture it" on its shortcomings, certainly did not have its origin in that lovely charity which he was so fond of panegyriizing.

The governors and Legislatures of most of the Northern and Western States, and some of the Southern, invited him to their capitals, and wherever he went his reception was of a kind to make the whole affair exceptional and remarkable in the history of the country. In Massachusetts especially were the demonstrations in his favor extravagant beyond all precedent, and suggestive of hopes which could not be realized. The provisions of Congress and the act of the Administration in bringing him to America, and his wonderful reception in this country, presented a great moral spectacle, perhaps, to the world, and little more; and beyond that what was there in the whole affair, and what came of it, that was greatly beneficial to this country or Hungary?

One effect it had, indeed, which was not "down in the program." That was to increase the feeling against the control of American politics by foreigners; to hasten the expansion of the "Order of United Americans," the forerunner of the Know-Nothing party, which, while it had this simple origin, finally unfortunately, unwisely, and unnecessarily made the Catholic Church one of its chief objects of attack.

In July, 1852, Kossuth sailed from New York for England, and thus ended this extraordinary episode in Mr. Fillmore's Presidency.

## CHAPTER XV.

DIPLOMATIC DIFFICULTIES—THE UNITED STATES IS ONE,  
NOT MANY—MR. WEBSTER AND PRESIDENT FILL-  
MORE—WHO SHALL SUCCEED?—PREPARING  
FOR THE RACE.

CONGRESS had been in session at this time but three weeks when the library, attached to it, was mostly destroyed by fire. Then the number of volumes in the Congressional Library was not over sixty thousand; but half of these, with other valuable things connected, was consumed. Money was immediately appropriated for restoring the loss, so far as possible. The plan for collecting works for this library has since been greatly extended, and now the collection has reached over three millions of books, which, with the present accommodations, constitute an unwieldly, and, to a great extent, unutilizable mass; a state of affairs, fortunately, not destined to continue long.

This session of Congress was largely devoted to political affairs, or, at least, was so taken up in shaping affairs for the approaching campaign, that no great amount of public business was done, notwithstanding its prolongation until the 30th of August, 1852.

The Free-soilers were making vast accessions from all parties ; and a movement was originated in New York City with a view of checking their growth. A hundred influential citizens were constituted a "Committee of Safety of New York," whose duty it was to promote general harmony and good feeling throughout the country, and secure compliance with the enforcement of the "Compromise Acts" of 1850. These men took the name of "Union Men," and adopted as their motto, "The Union, the Constitution, and the Enforcement of the Laws." This movement was without respect to old party distinctions, both Whigs and Democrats joining in it. But as it gathered strength, it assumed party airs, and undertook the task of breaking up the old organizations, with the view of electing a President who would carry out the measures of peace. Mr. Clay, though now old and feeble, was mentioned as the candidate for President, and General Cass for Vice-President. But neither Whigs nor Democrats favored this arrangement, and the whole affair came to naught. And had it been temporarily successful, it would not have prevented the approaching inevitable, irrepressible conflict.

During this session of Congress the following were the most important acts passed : An act making an appropriation for completing the improvements in the American Cemetery at the City of Mexico, where lie the remains of the soldiers who fell in the great battles before that city, and other Americans who have died there ; an act appropriating over



two millions of dollars for the improvement of certain rivers and harbors; acts appropriating two millions for the Indians; one million three hundred and sixty-six thousand dollars for pensions; the establishment of a branch mint in California; six thousand dollars for the filibusters pardoned by the queen of Spain; an act giving the right of way to all railroads and canals through Government lands; a joint resolution appropriating half a million dollars for the work of the extension of the Capitol; and the usual general appropriations for all the Departments of the Government.

On the 29th of June, 1852, Henry Clay died in his room at the National Hotel, and on the 1st of July funeral ceremonies were performed in the Senate Chamber. "Funeral honors" were paid him throughout the whole country, and in Congress as well as out, men of every shade of politics united in acts of respect to his memory. Calhoun and Clay were now gone, and Daniel Webster was rapidly approaching the brink. A new race of men, perhaps better suited to the times, was taking their place.

On the day of Mr. Clay's death the President sent this note to the heads of Departments:—

"EXECUTIVE MANSION, Tuesday, 12½ P. M.

"SIR,—The tolling of the bells announces the death of Henry Clay. Though this event has been long anticipated, yet the painful bereavement could not be fully realized. I am sure that all hearts are at this moment too sad to attend to business. I, therefore, respectfully suggest that your Department be closed for the remainder of the day.

"MILLARD FILLMORE."

England and this country had not yet definitely arranged their relations as to the affairs of Central America, and in January, 1852, Sir Henry L. Bulwer, who had returned to London, wrote to Mr. Webster:—

“MY DEAR MR. WEBSTER,—I think it may be satisfactory to you to hear from me at this time. The wish and intention of our government are that all affairs, and especially Central American affairs, should be settled satisfactorily with you; and they wish me to go out to Washington for that purpose. I object, partly on account of my health, partly because I don't see my way, and also think I can be as useful here. But what I wish you in confidence to tell me is:

“1. Whether any minister from Nicaragua is at Washington; and, if so, whether he is a reasonable fellow, and has the power to do what is reasonable.

“2. Whether, if this is not the case, your Government and ours can come to an understanding ourselves without Nicaragua, and that you will thus treat the affair?

“3. Whether there is any plan you would like or propose for Greytown and the general Mosquito question, which can be at all honorable for us to adopt, and which would yet satisfy you? And

“4. Whether, if we agreed to such a plan, the matter could be struck at once?

“With the warmest wishes for your health, and the kindest remembrances on my part and Lady Bulwer's to Mrs. Webster, I am, ever, my dear sir, yours, most sincerely,

“H. L. BULWER.”

Sir Henry Bulwer who had appeared at Washington as British Minister under General Taylor's Administration, and until recently remained in that capacity, was a younger brother of the novelist,

Bulwer. He was a slightly built, pale-faced, intellectual man, and noted for his modest, unassuming, frank, and agreeable manners. He was much attached to Mr. Webster, and the feeling was warmly returned by the generous Secretary of State who was a great favorite among the employés of his Department.

The part the Secretary of State took in the reception of Kossuth, and the speech he made on the 7th of January so flattering to Hungary and her cause, greatly incensed the already enraged Chevalier Hülsemann, the Minister from Austria. Hülsemann did not find things in this Republic quite up to his sense of dignity and greatness, and was most of his time in "hot water." He took strong exceptions to the course of the Secretary of State as to Kossuth and Hungary, and finally became so deeply affronted as to leave the country in the spring of 1852. But this final step he did not take until after holding a most remarkable correspondence with Mr. Webster. On the 30th of September, 1850, he wrote a long, sharp letter, laying his complaints fully before the Secretary of State. Under date of December 21st, Mr. Webster made a reply three or four times as long, explaining things that Mr. Hülsemann did not and could not understand, and in a tone exhibiting great indifference touching the sentiments and practices of European monarchies.

Not till the 11th of March, 1851, did Hülsemann, the Austrian, acknowledge the receipt of this letter, and then only in a short note to the effect that "The Imperial government does not cease to entertain the

opinions contained in my note of the 30th of September." To this Mr. Webster, four days afterwards, made as brief a reply reasserting the statement that this Government and people would continue to maintain their former principles and policy irrespective of the desires, opinions, and conflicts of Europe. This great letter of Mr. Webster's nearly extinguished poor, foolish Hülsemann; and it did shorten his stay in this country.

Although Hülsemann had spoken as one who recognized in himself a representative of one of the master powers of the earth, the creak of whose voice was enough to straighten any of her crooked meanderings, his note was small, contemptible, and undiplomatic, and Mr. Webster's reply wears throughout the air of contempt and ridicule. To the needless threat of the great resources of Austria, the American Lion answered back that the possessions of the House of Hapsburg were but as a patch on the face of the earth in comparison with the vast, rich, grand territory of the United States. It was, indeed, a glorious diplomatic thrashing for Imperial Hülsemann; but at first he had the assurance to treat the explanation of Mr. Clayton as a diplomatic lie, and now he flatly does the same thing with Mr. Webster, as in his note of March 11, 1851, he quits the subject with the declaration that the Imperial Cabinet is still of its former opinion. In spite of all the foolish demonstrations over Kossuth subsequently this spicy correspondence would have been avoided, as Mr. Hülsemann says, but by General Taylor's

sending to the Senate the instructions to Mr. Mann, a thing which never should have been done. The diplomatic affairs of the Government are rightfully under the control of the Executive and his Cabinet and no President has ever failed, or ever could fail, to make known to the legislative branch every event in the foreign relations which could be of benefit to that Department, or which could be opened to the public without injury to the Government. Desire on the part of the President to harmonize with Congress, and the inconsiderate importunities of that body have led to improper and inconvenient publicity of the private affairs of the Government. No Administration has been free from these annoyances, nor do the frequent refusals of the Executive work any reformation in the unwise conduct of Congress.

Mr. Webster seems to have some trouble in this famous letter to maintain the verbal distinction between *United States* and *American Government*. The mere political and partisan features of word distinctions necessarily disappear in the diplomatic history of the country. States and State Rights have never had a place there. A nation only deals with a nation, not with members and parts. In dealing with foreign countries, to say that the United States *are powers*, would be trifling, if not insulting. "The duty of the United States as *a neutral power*" is a necessity in language, as it is in fact, in international affairs. To say, as Mr. Webster does, that the "United States *have abstained*" is as far-fetched in grammar as it is in fact in diplomatic correspond-



ence; as is the case with all such expressions as "The United States wish," "The United States may be pardoned, if *they* entertain," and "if the United States had gone so far, provided *they* took no part in her contest." So it is equally far off, if not ridiculous, to say "Congress have," "Congress enact," "Congress sanction," "Congress recommend," "Congress withhold," etc. Congress is not *they*. It is simply the National Legislature, a body, and is only *it*, unless its separate branches are to be considered and mentioned. In all diplomatic correspondence it is well known that when the term *United States* is used it means the Republic, the Nation, the Government, the Power, the Country, the Territory. It does not mean the thirty-eight powers, the many Territories, the State governments, the numerous nations. The form of this name or term does not control its sense or grammatical use in such instances. The United States in the eyes, as well as to the conduct, of all nations is one. It is *it*. The motto of the whole people, the country, is "*E Pluribus Unum*." It is many in one. The United States is a power, a Nation, the same as Italy, Germany, England. Mr. Webster's severe but just criticism of Mr. Hülsemann's use of the word *spy* has given me the opportunity which I have taken to refer to the tendency of himself and other public men, scholarly often, though politicians, to maintain awkward and unnecessary forms of speech. It is foolish to deny that the United States is a Nation, and not powers, nations, and peoples. That

this country is a Nation, a Government, a Power, has nothing whatever to do with the rights of States and Legislatures. The States are governments within the Government. This is a domestic arrangement with all its rights and privileges, which foreign nations do not see in their intercourse with this country. It is the duty and pride of the General Government to maintain the just rights and relations of its parts, as it is of the States to uphold the unity, the power, which furnishes them the means of harmony and prosperity at home, and justice, safety, and strength abroad. Mr. Webster put himself to no trouble to conciliate the great Dutchman. Hülsemann was still smarting under the letter of the fall of 1850, written by Mr. Webster, and based upon a form of reply to Hülsemann prepared originally by Edward Everett. Of this performance Mr. Webster wrote to one of his friends, January 16, 1851:—

“If you say that my Hülsemann letter is boastful and rough, I shall own the soft impeachment. My excuse is twofold: 1. I thought it well enough to speak out, and tell the people of Europe who and what we are, and awaken them to a just sense of the unparalleled growth of this country. 2. I wished to write a paper which should touch the national pride, and make a man feel sheepish and look silly who should speak of disunion.”

In a letter dated at Washington, February 6, 1852, to Orlando Brown, of Kentucky, Mr. Crittenden wrote:—

“I see the Whigs are to meet in Frankfort on the 24th of this month to select delegates to the National Con-

vention for the nomination of a candidate for the Presidency. I think that Mr. Fillmore has fairly earned and fully deserves the highest favor and confidence of the Whigs, and that he is in mere justice entitled to the nomination. I do not know that he will be a candidate. I am sure he will not seek such a position. But neither you nor I will think that he therefore deserves it the less. I am anxious that your Frankfort Convention should make some strong expression of its approbation of Mr. Fillmore, and its preference for him as their candidate. When they shall have done that, and with it their determination to support the nominee of the National Convention, they will have done all that they ought to do. I beg you to do all you can to procure such an expression of preference for Mr. F. You will gratify and serve me by this. I believe that Fillmore is, as he ought to be, the favorite candidate of Kentucky."

As the time approached for the meeting of the Whig Convention to nominate candidates for President and Vice-President, the friends of Daniel Webster also made every exertion to secure for him what had always been denied him; and this they knew, as he also did, would be his last opportunity to become the nominee of his party. His course as to the Compromise Measures of 1850 had undoubtedly created a feeling in his favor in the South; but however genuine this was, it did not bring to the Baltimore Convention a solitary vote from that source. Mr. Fillmore was the choice of the South. His administration of public affairs had not only been successful and in the main satisfactory to all parts of the country, but especially was it so to the South, under the exciting circumstances by which

he was surrounded. A foolish attempt had been made, with the view of giving him more popularity, of placing Mr. Webster at the head of the Kossuth movement. But this failed. Mr. Webster thought Kossuth an enthusiast, but not a statesman, and was, as he said himself, "more deaf than an adder" to all schemes of intervention on the part of this Government in Hungarian affairs. Although Kossuth came as a beggar to this country, and his first call was for money and sympathy, and even his calmer lectures were a singular mixture of patriotism, romance, old European figure and fable, sycophantic humbleness, vaunting, and whining egotism, he had a kind of magnetism about him which pleased and hoodwinked the great mass of Americans; and for a while it looked as if he would be able to change the "time-honored" policy of the National Government. When he had first been befriended by the Administration, it was not for a moment supposed that he would come here and attempt a political revolution upon the sympathy of the people for what were represented as his and Hungary's wrongs. In extending him aid, and inviting him to this country, it was merely designed to give him an asylum and a quiet home. Of all these good offices he took an unwarranted, unmanly, and wholly reprehensible advantage; and thus hastened on the well-grounded opposition to the broad and reckless disposition to foster and establish foreign sympathy and influence in American politics.

In November, 1851, Massachusetts held a con-

vention for the purpose of putting forward Mr. Webster as the Whig candidate for the Presidency, and an address written by Edward Everett was sent out to the country. Other States took up the cue, and William M. Evarts also addressed the country on the propriety of making Mr. Webster the next President. But all of this was of little avail, as will be seen. It has been said in many different ways that the contest for the nomination at Baltimore in 1852 created a coldness between Mr. Fillmore and his Secretary of State which was never healed. But this is wholly without foundation. There was not the least evidence of such a thing in their after intercourse, nor did the private correspondence of either leave the least intimation of any degree of estrangement. In his second annual message Mr. Fillmore desired to make the statement that he should not be a candidate for the nomination, and this desire Mr. Webster and others prevented him putting into execution. Mr. Fillmore made no effort to withhold his name from the convention, nor did he make any to put it there, and Mr. Webster never blamed him for what was done, although it is not at all improbable that he should have received the nomination instead of General Scott had Mr. Fillmore withdrawn. Some of Mr. Webster's friends, Rufus Choate, perhaps, went to Washington during the session of the nominating convention to induce Mr. Fillmore to withdraw, but without success. So it has been said. Mr. Fillmore had already taken a step, at any rate, looking to that event, and this was



all that he could do, or was disposed to feel that he should do, as will be seen hereafter.

It was claimed at the time, as it has since been, that Mr. Fillmore was using the patronage of the Government to advance his interests at the Baltimore Convention. This was, in his case, simply untrue, if it has not always been so in others.

The Abolitionists and anti-slavery Whigs of the North accused Mr. Webster of giving his support to the Compromise Measures of 1850 to secure the support of the South in 1852. His deflection from his former position as to slavery and its extension was mainly dated from his famous speech, March 7, 1850. This was the great charge in the North against Mr. Fillmore also. Massachusetts was, for a time, loud in her condemnation of Mr. Webster's course, and, to a great extent, the radical anti-slavery elements of the entire North sided with his own State in the censure. This feeling was strong against him at the time of the meeting of the Whig Convention. This fact prevented his nomination. The South having good reasons for a kindly disposition toward Mr. Webster, was satisfied with Millard Fillmore, and all the representative Whigs, from Clay down, preferred his nomination.

The following from the "Lowell American," in August, 1851, is a specimen of the ridicule and contempt with which the Massachusetts Abolitionists saluted Mr. Webster at that time:—

"We have already mentioned the fact that sixty of the boys of Groton Academy have signed a paper signifying

that they believe Mr. Webster to be the great defender and expounder of the Constitution and Union, and that they desire that he shall be our next President. Dear little fellows! that is all they can do for the expounder; the law not allowing them to vote for several years to come. We hear that this juvenile movement is not confined to the schools. It is spontaneously spreading into the nurseries. The cradles and cribs resound with the praise of Webster; and many an occupant of a high-chair wields his rattle with vigor in enforcing his claims to the Presidency. We are permitted to publish the following paper, which has been signed by a large number of spontaneous young babies in one of our most fashionable neighborhoods:—

“‘The subscribers, itty babies, liv-ing in Low-ell, here-by sig-ni-fy to our faders and our muzzers, that we con-sider Dan-il Webster, who made the spell-ing-book, the best man for the Pres-i-dent of the Unity Tates. We un-ner-tand that he was a good itty boy, and is now a great big man, having pre-served his Con-sti-tu-tion by the free use of cold water all his days, aid-ed by fre-quent and co-pious draughts from the public teat. This ex-am-ple we fol-low, cold wa-ter and titty being our chief sup-port. And we there-fore hope all itty babies will be Whigs, and sup-port the Ex-pound-er of these prin-ci-ples. We fling our diapers to the breeze, and huz-za for Webster, the baby’s choice.

“‘JACK HORNER, TOT E. WIGGINS, SIS AUSTIN,  
BUBB HAWLEY, SUNY PERKINS, JOHNNY BROWN,  
KITTY PEASLEE, CALLY SAMPSON, GEORGY BRIMMER,  
and sixty-five others.’”

But all this ill-feeling toward Mr. Webster was confined to the Free-soilers and Abolitionists. Among the more cautious and conservative classes in New England Mr. Webster never lost his hold; and long ago, even with those who opposed his course at that

time, he was stationed at the head of her long list of distinguished and able men, her "statesmen."

The following letter from President Fillmore Mr. Babcock did not see fit to place before the convention, but it was subsequently published to the country. This letter is a simple plea for the policy of his administration of public affairs, and clearly enough shows that Mr. Fillmore would have been gratified with the nomination, even though a majority of the convention should think his "conduct rendered him an unavailable candidate." In case of his defeat, it is quite certain where Mr. Fillmore should look for the cause; it was in the fact that he had served his country well. The good spirit of this letter lags a little towards the end:

"WASHINGTON CITY, June 12, 1852.

"HON. GEORGE R. BABCOCK, Delegate to the National Whig Convention, from the Buffalo District, N. Y.

"MY DEAR SIR,—To you, as a personal and political friend, representing my old Congressional District, which has never deserted or betrayed me, I desire now to make a last request, and that is, that you present to the presiding officer of the convention for nominating candidates for President and Vice-President, whenever you deem it proper, the inclosed letter, withdrawing my name from the consideration of the convention.

"In determining what is a proper time to comply with this request, you will consider only the cause in which we are engaged, and the reasonable claim which my friends may have to the use of my name for its advancement. While I am willing to submit to any sacrifice for them or for the cause, I wish it distinctly understood that I ask nothing for myself, and you will therefore decide this question wholly regardless of any real or supposed wish of mine.

“That my friends to whose solicitations I have yielded in this matter may not be prejudiced by my withdrawal, I have not thought it proper to disclose this intended act to any person but yourself, lest it might be said that in so doing I had not acted in good faith to those who have thought my name essential to the success of the Whig cause. You will, therefore, perceive that the responsibility is with you, and with you alone, to keep the whole a profound secret until the proper time shall arrive to present my letter to the convention, and of this, with full confidence in your prudence and wisdom, I constitute you the sole judge.

“On the one hand you will be careful to guard against any premature act or disclosure which might embarrass my friends and give them just cause of complaint, while on the other you will not suffer my name to be dragged into a contest for a nomination which I have never sought, do not now seek, and would not take if tendered, but in discharge of an implied obligation, which every man assumes upon uniting with a political party, which is to yield to the will of a majority of those with whom he acts. I have the honor to be your friend and obedient servant,

MILLARD FILLMORE.”

“WASHINGTON, Thursday, June 10, 1852.

“TO THE PRESIDENT OF THE NATIONAL WHIG CONVENTION:—

“SIR,—This communication will be presented to you, and through you to the delegated wisdom of the Whig party, over which you preside, by Hon. George R. Babcock, who represents in your body the Congressional District in which I reside.

“I trust that I shall be pardoned by the convention for adverting briefly to the course which I have pursued, and the causes which have induced it, as a means of explaining why I have selected this time and mode of making this annunciation.

“All must recollect that when I was so suddenly and unexpectedly called to the exalted station which I now occupy, by the death of my lamented and illustrious predecessor, there was a crisis in our public affairs full of difficulty and danger. This country was agitated by political and sectional passions and dissensions, growing out of the slavery and territorial questions then pending, and for which Congress had as yet



been able to agree upon no measure of compromise and adjustment.

“The Union itself was threatened with dissolution, and patriots and statesmen looked with apprehension to the future. In that feeling I participated most profoundly. The difficulties and dangers which surrounded us were calmly but anxiously surveyed. I was oppressed by a sense of the great responsibilities that rested upon me, and sincerely distrusted my ability to sustain them in a manner satisfactory and useful to the country. But I was bound to make the attempt, and, to do it with any hope of success, I felt it necessary to discard every personal consideration, and devote myself to the difficult task before me with entire singleness of heart.

“To prepare and strengthen this task, I endeavored to lay aside, as far as practicable, every merely selfish consideration, to banish from my mind every local and sectional prejudice, and to remember only that I was an American citizen, and the Magistrate of the American Republic, bound to regard every portion and section of it with equal justice and impartiality. That I might do this the more effectually, I resolved within myself not to seek a re-election.

“Thus prepared, I entered upon the discharge of my official duties, with a determination to do every thing in my power to aid in the settlement of those dangerous controversies. Fortunately for our favored country, a majority in both Houses of Congress, rising above mere party and personal considerations, nobly and patriotically devoted themselves to the great work of pacification. The Constitutional advisers whom I had called to my aid, and to whose fidelity, talents, and patriotism the country is chiefly indebted for any benefit it may have received from my Administration, with a unanimity and zeal worthy of every commendation, cordially gave their countenance and influence to the Legislative Department, in perfecting and adopting those healing measures of compromise to which, upon their passage, I felt bound, by every consideration of public duty, to give my official approval. Those laws, being enacted, my Constitutional duty was equally plain, ‘to take care that they were faithfully executed.’ But this I found the most painful of all my official duties. Nevertheless, I resolved to perform



it regardless of all consequences to myself; and in doing so, I determined to know no North and no South, and no friends but those who sustained the Constitution and laws, and no enemies but those who opposed them.

“The gratifying result of this policy is before you and the country. The angry strife which for a time threatened to array State against State, and brother against brother, and deluge our happy land with blood, passed away. The surging billows of sectional agitation are calmed, and the public mind is fast settling down into its accustomed channels, and will soon renew its wonted devotion to the Constitution and the Union. Availing myself of this happy change, I had determined, when the present Congress met, to announce to the public, in my annual message, my previous resolution not to allow my name to come before the National Convention for a nomination. I accordingly prepared a paragraph to that effect, but was finally persuaded to strike it out, lest it might have an unfavorable influence upon the then pending election in Virginia. After that had passed, I concluded to withdraw my name by a published address to the people, and prepared one accordingly; but this coming to the knowledge of some of my friends, they represented to me that my withdrawal, at that time, would not only endanger the perpetuity of those measures which I deemed so essential to the peace and welfare of the country, but would sacrifice many friends who had stood by my Administration in the dark and perilous crisis through which it had so recently passed. The first was an appeal to my patriotism, and the second to my gratitude. I could resist neither, and, therefore, yielded to their request, and consented that my name should remain where it was until time should show, as I presumed it would, that its further use could neither benefit them nor the cause which we all had so much at heart. It was, however, distinctly understood that I could not consent to use any efforts to procure a nomination, but if one were freely and voluntarily tendered, I should not be at liberty to decline it. The embarrassing question now presents itself, Who is to determine when the use of my name can no longer benefit my friends or our common cause? To assume to decide this myself, in advance of the convention, without consultation with those who have so

generously sustained me, might be deemed by them unjust. To consult them is utterly impracticable, and to suffer my name to go into a contest for the nomination is contrary to my original intention and utterly repugnant to my feelings. I have, therefore, without consultation with any one, felt justified in assuming the responsibility of authorizing and requesting Mr. Babcock, either before or after any vote may be taken in the convention, and whenever he may be satisfied that I have discharged my duty to my friends and the country, to present this letter, and withdraw my name from the consideration of the convention.

“I trust that my friends will appreciate the necessity which compels me to act without consulting them. I would cheerfully make any personal sacrifice for their sakes or for the good of my country, but I have nothing to ask for myself. I yielded, with sincere reluctance, to their entreaties to suffer my name to remain before the public as a possible candidate. I knew that it placed me in a false position. I foresaw that it would subject me to the base imputation of seeking a nomination, and of using the patronage of the Government to obtain it, and then to the mortifying taunts, from the same malignant source, of having been defeated. But, conscious of my own integrity, I cheerfully consented to encounter all this rather than that my friends should feel that I was indifferent, either to them or the cause, and I am most happy to avail myself of this occasion to return my sincere thanks, and to express the grateful emotions of my heart, to those friends of the country who have so generously and so nobly stood by the Constitution and the Union through the perilous scenes through which we have just passed. My sincere prayer is, that their country may cherish and reward them according to their merits.

“I hope and trust that my withdrawal may enable the convention to unite harmoniously on some more deserving candidate; one who, if elected, may be more successful in winning and retaining the confidence of the party to which he is attached than I have been. Divided, as we were, upon my accession to the Presidency, on questions of vital importance, it was impossible for me to pursue a course that would satisfy all. I have not attempted it. I have sought more anxiously

to do what was right than what would please, and I shall feel no disappointment at finding that my conduct has, in the estimation of a majority of the convention, rendered me an unavailable candidate. But it should, at all times, be a subject of felicitation to any man that he has been enabled to serve his country by sacrificing himself. This is a consequence which neither he nor his friends have any cause to regret; and I hope mine will view it in that light.

“For myself, permit me to add, I have no further aspirations. I feel that I have enjoyed much more of public honors than I deserved, and I shall soon retire from this exalted station with infinitely more satisfaction than I entered upon it, and with a heart grateful for the confidence which my countrymen have reposed in me, grateful for the indulgence with which they have received my humble efforts to serve them, and anxious only that they may be better served by my successor, and that our glorious Union and free institutions may be perpetual.

“I have the honor to be, sir, your fellow-citizen and obedient servant,

MILLARD FILLMORE.”

## CHAPTER XVI.

THE NOMINATING CONVENTIONS OF 1852—WHIGS AND  
FREE-SOILERS—PLATFORMS—THE FISHERIES—  
WEBSTER AND FILLMORE—DEATH  
IN THE CABINET.

ON the 16th of June, 1852, the Whig Convention met in the Maryland Institute, in Baltimore. A meeting of the Southern delegates had been held the evening before in Carroll Hall, in which resolutions were adopted to be submitted as a platform to the convention, and a determination to adhere to Mr. Fillmore so long as there was any chance for him. The Scott delegates also held a private meeting on the same evening.

At a quarter to twelve o'clock the convention was called to order. George Evans, of Maine, was chosen temporary chairman, and made a short speech. Committees were appointed, and the convention adjourned until six o'clock. The signs of harmony were absent, and it was evident that the work of the convention was not destined to be easy. The Committee on Organization reported General John G. Chapman, of Maryland, for permanent chairman, and notwithstanding the opposition made to this report, Mr. Chapman took the chair and made a speech. He was in favor of the nomination of Mr. Fillmore,

and over his selection in the committee there had been a struggle, the vote having been seventeen for him, thirteen for John M. Clayton (a Scott man), and one blank.

On Thursday, the second day, at twelve o'clock the convention was again called to order. The day was spent in discussions on the character of the delegations, mode of casting the votes, etc. Friday at ten o'clock the convention again met for an exciting and disorderly day. Henry J. Raymond, representing the "New York Tribune," appeared and wanted to take part in the work of the convention, but, not being deemed a delegate, was not indulged, although he did not abandon his efforts until he had been several times quieted. Rufus Choate made a fiery speech on this day; the platform was finally presented and adopted by a vote of two hundred and twenty-six to sixty-six; and six ballots were taken for President, Scott, Fillmore, and Webster being the only names before the convention. The first ballot stood: Scott, 131; Fillmore, 133; Webster, 29; and the sixth stood: Scott, 133; Fillmore, 131; and Webster, 29.

Saturday's proceedings ended with the forty-sixth ballot without a choice. Monday the convention again met, when Mr. Raymond, who had held his seat, succeeded in making himself heard at the cost of no little disturbance. J. Watson Webb also came in for the honor of aiding in the disorderly excitement of this day. But the balloting was renewed, resulting in the giving way of some of Mr.



Fillmore's friends, and the nomination of General Scott on the fifty-third ballot. One hundred and forty-seven were necessary to a choice, and this last vote stood: Scott, 159; Fillmore, 112; Webster, 21.

This result closed the day session. At night candidates for the Vice-Presidency were put in nomination. The first ballot stood: Scattering, 31; William A. Graham, 68; Bates, 97; W. P. Mangum, 10; James A. Pearce, 42; Crittenden, 10; Stanley, 14; and Crockett, 19.

On the second ballot Mr. Graham was nominated, and the convention adjourned *sine die*. On the platform the convention had been unanimous, except as to the Compromise section. The States giving a nay vote on this section were Maine, Connecticut, New York, Pennsylvania, Ohio, Wisconsin, Indiana, Illinois, Michigan, and California, the two last casting all their votes against the proposition. At no time did the votes for Mr. Webster exceed thirty-two, a fact which greatly mortified him. This was his last opportunity, and deep and incurable was the wound inflicted by this convention. This was Mr. Webster's last great disappointment.

The following is the Whig platform of 1852:—

“The Whigs of the United States, in convention assembled, adhering to the great conservative principles by which they are controlled and governed, and now as ever relying upon the intelligence of the American people, with an abiding confidence in their capacity for self-government, and their devotion to the Constitution and the

Union, do proclaim the following as the political sentiments and determination for the establishment and maintenance of which their national organization as a party was effected.

*"First.* The Government of the United States is of a limited character, and it is confined to the exercise of powers expressly granted by the Constitution, and such as may be necessary and proper for carrying the granted powers into full execution, and that powers not granted or necessarily implied are reserved to the States respectively and to the people.

*"Second.* The State governments should be held secure in their reserved rights, and the General Government sustained in its Constitutional powers, and that the Union should be revered and watched over as the palladium of our liberties.

*"Third.* That while struggling freedom everywhere enlists the warmest sympathy of the Whig party, we still adhere to the doctrines of the Father of his Country, as announced in his Farewell Address, of keeping ourselves free from all entangling alliances with foreign countries, and of never quitting our own to stand upon foreign ground; that our mission as a Republic is not to propagate our opinions, or impose on other countries our forms of Government, by artifice or force, but to teach by example, and show by our success, moderation, and justice, the blessings of self-government and the advantage of free institutions.

*"Fourth.* That, as the people make and control the Government, they should obey its Constitution, laws, and treaties as they would retain their self-respect, and the respect which they claim and will enforce from foreign powers.

*"Fifth.* Government should be conducted on principles of the strictest economy; and revenue sufficient for the expenses thereof, in time of peace, ought to be derived

mainly from a duty on imports, and not from direct taxes; and in laying such duties sound policy requires a just discrimination, and, when practicable, by specific duties, whereby suitable encouragement may be afforded to American industry, equally to all classes and to all portions of the country.

*“Sixth.* The Constitution vests in Congress the power to open and repair harbors, and remove obstructions from navigable rivers, whenever such improvements are necessary for the common defense, and for the protection and facility of commerce with foreign nations, or among the States—said improvements being in every instance national and general in their character.

*“Seventh.* The Federal and State Governments are parts of one system, alike necessary for the common prosperity, peace, and security, and ought to be regarded alike with a cordial, habitual, and immovable attachment. Respect for the authority of each, and acquiescence in the just Constitutional measures of each, are duties required by the plainest considerations of national, State, and individual welfare.

*“Eighth.* That the series of acts of the Thirty-second Congress, the Act known as the Fugitive Slave Law included, are received and acquiesced in by the Whig party of the United States as a settlement in principle and substance of the dangerous and exciting questions which they embrace; and, so far as they are concerned, we will maintain them, and insist upon their strict enforcement, until time and experience shall demonstrate the necessity of further legislation to guard against the evasion of the laws on the one hand and the abuse of their powers on the other—not impairing their present efficiency; and we deprecate all further agitation of the question thus settled as dangerous to our peace, and will discountenance all efforts to continue or renew such agitation, whenever, wherever, or however the attempt may be

made; and we will maintain this system as essential to the nationality of the Whig party, and the integrity of the Union."

Under the call of the chairman of the Executive Committee, Samuel Lewis, of Ohio, the Free-soil or Free Democratic National Convention met to nominate their candidates, in Masonic Hall, Pittsburgh, August 11, 1852. Besides all the Free States, Kentucky, Virginia, Delaware, and Maryland, were represented in this convention. Judge Spaulding, of Ohio, was chosen temporary chairman, and the various committees were appointed. In the afternoon the convention assembled in Lafayette Hall, when the Committee on Organization presented Henry Wilson, of Massachusetts, for permanent President. On the following morning none but delegates were admitted to the hall. Joshua R. Giddings, of Ohio, on behalf of the Platform Committee, reported a "platform," which was adopted. Gerrit Smith also presented a minority report, and made a long speech; and Mr. Smith subsequently issued a protest against the action of the convention. This day was mainly spent in debate between Smith, Giddings, and others. Harmony was not an essential in this party; indeed, its leaders were seldom or never at peace among themselves.

John P. Hale, of New Hampshire, had published a letter in which he declined to have his name come before the convention as its choice for the Presidency, and it was quite generally believed that Salmon P. Chase, an "Ohio man," would receive

the nomination. Late in the evening the first ballot for President was cast, resulting:—

Hale, . . . . .	192
S. P. Chase, . . . . .	5
Gerrit Smith, . . . . .	3
Wm. Goodell, . . . . .	2
Thos. H. Benton, . . . . .	1
Charles Durkee, . . . . .	1
Mr. Adams, . . . . .	1

The nomination of Mr. Hale was then made unanimous, and New Hampshire again made to rejoice in her favored son. The first ballot for Vice-President was as follows:—

Geo. W. Julian, of Indiana, . . . . .	104
Samuel Lewis, . . . . .	83
J. R. Giddings, . . . . .	16
John M. Collins, . . . . .	3
Geo. H. Evans, . . . . .	3
C. M. Clay, . . . . .	1
Thos. H. Benton, . . . . .	1

In the second ballot Mr. Julian received all the votes but sixteen given to Samuel Lewis.

On Friday morning, after a brief session, in Masonic Hall, the convention adjourned. Mr. Hale changed his notion, as it was expected he would do, and made the race, thereby greatly aiding in securing the election of his early friend, Franklin Pierce, the very thing he and his party desired not to do.

On the 30th of September, the Abolitionists or National Liberty party met at Syracuse, New York, and after some wrangling nominated William Goodell for President and S. M. Piper, of Virginia, for Vice-



President. In this month, too, Georgia advocates of State Rights and secession held a convention at which they nominated for the Presidency George M. Troup, who had become notorious in his stubborn dealings with the Government concerning the Indians, and for the Vice-Presidency, General John Anthony Quitman. Georgia and Alabama had State-Rights electoral tickets in the field. But this revolutionary movement effected nothing in the election at this time; and the Syracuse branch of the Free-soilers finally came to the support of the Pittsburgh candidates.

#### FREE-SOIL PLATFORM.

“Having assembled in National Convention as the Democracy of the United States, united by a common resolve to maintain right against wrong, and Freedom against Slavery; confiding in the intelligence, patriotism, and discriminating justice of the American people, putting our trust in God for the triumph of our cause, and invoking his guidance in our endeavors to advance it, we now submit to the candid judgment of all men the following declaration of principles and measures:

“1. That governments deriving their just powers from the consent of the governed, are instituted among men to secure to all those inalienable rights of life, liberty, and the pursuit of happiness, with which they are endowed by their Creator, and of which none can be deprived by valid legislation, except for crime.

“2. That the true mission of American Democracy is to maintain the liberties of the people, the sovereignty of the States, and the perpetuity of the Union, by the impartial application to public affairs, without sectional discriminations of the fundamental principles of human rights, strict justice, and an economical administration.

"3. That the Federal Government is one of limited powers, derived solely from the Constitution, and the grants of power therein ought to be strictly construed by all the departments and agents of the Government, and it is inexpedient and dangerous to exercise doubtful Constitutional powers.

"4. That the Constitution of the United States, ordained to form a more perfect Union, to establish justice and secure the blessings of liberty, expressly denies to the General Government all power to deprive any person of life, liberty, or property without due process of law; and, therefore, the Government having no more power to make a slave than to make a king, and no more power to establish slavery than to establish a monarchy, should at once proceed to relieve itself from all responsibility for the existence of slavery, wherever it possesses Constitutional power to legislate for its extinction.

"5. That, to the persevering and importunate demands of the slave power for more Slave States, new Slave Territories, and the nationalization of slavery, our distinct and final answer is: No more Slave States, no Slave Territory, no nationalized slavery, and no national legislation for the extradition of slaves.

"6. That slavery is a sin against God, and a crime against man, which no human enactment nor usage can make right; and that Christianity, humanity, and patriotism alike demand its abolition.

"7. That the Fugitive Slave Act of 1850 is repugnant to the Constitution, to the principles of the common law, to the spirit of Christianity, and to the sentiments of the civilized world. We therefore deny its binding force upon the American people, and demand its immediate and total repeal.

"8. That the doctrine that any human law is a finality, and not subject to modification or repeal, is not in accordance with the creed of the founders of our Government, and is dangerous to the liberties of the people.

“9. That the Acts of Congress known as the Compromise Measures of 1850, by making the admission of a sovereign State contingent upon the adoption of other measures demanded by the special interest of slavery; by their omission to guarantee freedom in the Free Territories; by their attempt to impose unconstitutional limitations on the power of Congress and the people to admit new States; by their provisions for the assumption of five millions of the State debt of Texas, and for the payment of five millions more, and the cession of a large territory to the same State under menace, as an inducement to the relinquishment of a groundless claim, and by their invasion of the sovereignty of the States and the liberties of the people through the enactment of an unjust, oppressive, and unconstitutional Fugitive Slave Law, are proved to be inconsistent with all the principles and maxims of Democracy, and wholly inadequate to the settlement of the questions of which they are claimed to be an adjustment.

“10. That no permanent settlement of the slavery question can be looked for except in the practical recognition of the truth that slavery is sectional and freedom national; by the total separation of the General Government from slavery, and the exercise of its legitimate and Constitutional influence on the side of freedom; and by leaving to the States the whole subject of slavery and the extradition of fugitives from service.

“11. That all men have a natural right to a portion of the soil; and that as the use of the soil is indispensable to life, the right of all men to the soil is as sacred as their right to life itself.

“12. That the public lands of the United States belong to the people, and should not be sold to individuals nor granted to corporations, but should be held as a sacred trust for the benefit of the people, and should be granted in limited quantities, free of cost, to landless settlers.

"13. That a due regard for the Federal Constitution, a sound administrative policy, demand that the funds of the General Government be kept separate from banking institutions; that inland and ocean postage should be reduced to the lowest possible point; that no more revenue should be raised than is required to defray the strictly necessary expenses of the public service, and to pay off the public debt; and that the power and patronage of the Government should be diminished by the abolition of all unnecessary offices, salaries, and privileges, and by the election by the people of all civil officers in the service of the United States, so far as may be consistent with the prompt and efficient transaction of the public business.

"14. That river and harbor improvements, when necessary to the safety and convenience of commerce with foreign nations, or among the several States, are objects of national concern; and it is the duty of Congress, in the exercise of its Constitutional powers, to provide for the same.

"15. That emigrants and exiles from the Old World should find a cordial welcome to homes of comfort and fields of enterprise in the new; and every attempt to abridge their privilege of becoming citizens and owners of the soil among us, ought to be resisted with inflexible determination.

"16. That every nation has a clear right to alter or change its own government, and to administer its own concerns in such manner as may best secure the rights and promote the happiness of the people; and foreign interference with that right is a dangerous violation of the law of nations, against which all independent governments should protest, and endeavor by all proper means to prevent; and especially is it the duty of the American Government, representing the chief Republic of the world, to protest against, and by all proper means to prevent, the intervention of kings and emperors against nations



seeking to establish for themselves republican or constitutional governments.

“17. That the independence of Hayti ought to be recognized by our Government, and our commercial relations with it placed on the footing of the most favored nations.

“18. That as by the Constitution ‘the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States,’ the practice of imprisoning colored seamen of other States, while the vessels to which they belong lie in port, and refusing the exercise of the right to bring such cases before the Supreme Court of the United States to test the legality of such proceedings, is a flagrant violation of the Constitution, and an invasion of the rights of the citizens of other States utterly inconsistent with the professions made by the slaveholders, that they wish the provisions of the Constitution faithfully observed by every State in the Union.

“19. That we recommend the introduction into all treaties hereafter to be negotiated between the United States and foreign nations of some provision for the amicable settlement of difficulties by a resort to decisive arbitrations.

“20. That the Free Democratic party is not organized to aid either the Whig or Democratic wing of the great Slave Compromise party of the Nation, but to defeat them both; and that repudiating and renouncing both, as hopelessly corrupt and utterly unworthy of confidence, the purpose of the Free Democracy is to take possession of the Federal Government, and administer it for the better protection of the rights and interests of the whole people.

“21. That we inscribe on our banner, Free Soil, Free Speech, Free Labor, and Free Men, and under it will fight on and fight ever, until a triumphant victory shall reward our exertions.

“22. That upon this platform the convention presents



to the American people as a candidate for the office of President of the United States, John P. Hale, of New Hampshire, and as a candidate for the office of Vice-President of the United States, George W. Julian, of Indiana, and earnestly commend them to the support of all freemen and all parties."

Among those who considered General Scott wholly unfit to be President was Mr. Webster. He never would recognize the nominee of the convention, nor give any kind of assent to the ticket on Scott's account; and although every attempt was made, even up to his dying day, to induce him to announce himself as reconciled to and in favor of General Scott for the Presidency, he refused, and died, fully in the correct belief that the Whig party was approaching its end, and, perhaps, making its last race.

Mr. Webster now rapidly declined in health, and although he remained the greater part of the time at his home in Massachusetts and in the mountains of New Hampshire, he held his office by the urgent desire of the President, and did much of its business, quietly continuing in his place in the National Capital for the purpose when his ill-health did not drive him away.

During the summer of 1852 the old and endless fisheries question with England again came up. A disposition now arose on the part of that government to curtail privileges long enjoyed by American fishermen on the bays of the south-eastern coast of the British possessions. On this subject Mr. Webster

wrote to the President from Franklin, New Hampshire, July 17, 1852:—

“The interruption of the usual occupation of our fishermen in the British Provinces is a very serious business. I fear much difficulty may arise from it.

“Following your suggestion to Mr. Hunter (acting Secretary) I have prepared a paper, which will appear in the newspapers in this part of the country immediately; and have directed its publication in Washington. I hope you will approve it. If I felt well enough and strong enough I would proceed immediately to Washington; but I do not. I wrote to-day a letter to Mr. Crampton, a copy of which I now inclose to you. We shall be obliged, I am persuaded, to look up this business of the fisheries, as well as the whole subject of the Canadian trade, as matter of negotiation. Congress will never do anything. I will thank you, at your earliest convenience, to signify to me your wishes and your opinions.

“I leave these mountains and valleys with great reluctance, but it seems to be necessary.

“Yours, always truly, DANIEL WEBSTER.”

The President was very anxious that this negotiation with Mr. Crampton, successor of Sir Henry L. Bulwer, as English Minister at Washington, should have a satisfactory outcome, but desired it to be carried on at Washington, if possible. Mr. Webster had written to Crampton to visit him at Marshfield. His health was now precarious, and it was doubtful as to whether he would be able to conduct the negotiations and other business of the Department under the most favorable circumstances. Mr. Fillmore was not willing for him to leave the Cabinet, although Webster began to feel it a necessity for him to do so.

There was some talk of his being transferred to the English mission, and to this arrangement the President would have assented. On the 25th of July Mr. Webster wrote to the President from Marshfield:—

“There are two subjects about which I wish to speak to you, and I will write about one of them with my own hand for secrecy’s sake.

“I have made up my mind to think no more about the English mission. My principal reason is, that I think it would be regarded as a descent. I have been among the candidates for the first office, and, not having been nominated for that, I think it proper to decline any secondary place. I have been accustomed to give instructions to ministers abroad, and not to receive them. Besides, if I am in England after the 3d of March I should feel myself to be in the hands of an unfriendly Administration. I have no doubt Mr. Pierce would be inclined to treat me with kindness, but how can I know which member of the family of Young America may hold the seals of the Department of State?

“On the first point there is a precedent. Mr. Can-ning, having been Secretary of State for Foreign Affairs, afterwards took an embassy to Portugal for a short time. The press and the Opposition in Parliament assailed him furiously. They denounced it as a job; and I think his character suffered from it with the better part of the English people.

“I find almost an entire concurrence of opinion among my friends on this question; and, therefore, you will now consider the mission as at your disposal.

“The other topic upon which I ought now to say something, is my continuing in office or resigning it, and, if the latter, at what time? On this I will try to write to-morrow.”

The President's next annual message will show that the designs of the English government were not unfriendly as to the usages of the American fishermen, and little more came of this affair than to display the sensibility of this people on the subject. No man can understand the importance of this matter to the people of New England who is not well acquainted with its great dependence, especially in the first half century of this Government, on the fisheries.

In his next letter to the President, Mr. Webster urged his poor health, and the impossibility of his being in his place in Washington, as reasons for his abandoning the office entirely. But Mr. Fillmore would not consent to his withdrawal, however much his presence was needed at the Capital, especially during the sitting of Congress.

Early in August Mr. Webster was again in his place at Washington, where he remained until the adjournment of Congress in August. At this time he issued his last important paper as the head of the State Department, in answer to the Peruvian Minister's complaint concerning a disposition of citizens of the United States to carry guano from the Lobos Islands in the Pacific, an adventure favored by Mr. Webster himself, who had gone so far as to suggest to the Secretary of the Navy the propriety of sending a war vessel to protect American merchants in collecting guano on these islands. The authority of Peru over the Lobos Islands was soon afterwards admitted by this Government, and this matter came to naught.

Mr. Webster never returned to Washington, and, day by day, his hold upon life and public affairs became less. He still continued to write to, and receive letters from, the President.

On the 1st of October Mr. Fillmore wrote :—

“MY DEAR SIR,—I have this moment received yours of the 28th ultimo, and have perused it with a good deal of solicitude. I shall not cease to feel the utmost solicitude until I know that you are restored to health. I sincerely hope you may have the benefit of the advice of your old physician from Boston, and after he has paid you a friendly visit, and one which I earnestly desire may be the means of restoring you to health, may I anticipate the satisfaction of hearing from you again? It is a source of great gratification to know that, at the time you wrote, you were free from pain.

“All things are going on as well as usual, but I have not been able to obtain any proposition in reference to the Lobos affairs from Mr. Osma, the new Minister. He left for New York immediately after his reception, and I have requested the acting Secretary to ask him to return, and he may be here to-day.

“Hoping soon to hear of your restoration to health, I remain, truly and sincerely yours,

“MILLARD FILLMORE.”

On the 15th of October, in reply to a letter from the President, Mr. Webster wrote :—

“MY DEAR SIR,—I thank you from the bottom of my heart for your kind letter. Your letters are always kind. I have been in great danger. I am attended, nearly every day, by two physicians ; and yet, strange as it may seem, when I have got through the night, I can sit an hour at the table, and write a letter, and sign



others. I do n't foresee the result. I am in the hands of God, and may he preserve and bless you and yours evermore!

DANIEL WEBSTER."

On the 18th of October, 1852, Mr. Webster wrote his last letter to the President, and in it are these words:—

"I should love (like) to pass the last moments of your Administration with you, and around your council-board. But let not this embarrass you. Consider my resignation as always before you, to be accepted any moment you please. I hope God, in his mercy, may preserve me, but His will be done!

"I have every thing right about me, and the weather is glorious.

"I do not read the newspapers, but my wife sometimes reads to me the contents of some of them. I fear things do not look very well for our side.

"Yours, always truly, DANIEL WEBSTER."

Before daylight on Sunday morning, October 24th, the great orator and patriot died. The President sent an agent to Marshfield, and desired to conduct the funeral in the name of the Government, but Mr. Webster had willed otherwise, and to the grave, on his own land, his body was carried by six of his farmer neighbors, a few days afterward. I can not quit Mr. Fillmore's connection with his first Secretary of State without giving the following beautiful letter from Mr. Webster, in his last year:—

"RICHMOND, VA., }  
"Five o'clock A. M., April 29, 1852. }

"MY DEAR FRIEND,—Whether it be a favor or an annoyance, you owe this letter to my early habits of

rising. From the hour marked at the top of the page, you will naturally conclude that my companions are not now engaging my attention, as we have not calculated on being early travelers to-day.

"This city has a 'pleasant seat.' It is high; the James River runs below it, and when I went out, an hour ago, nothing was heard but the roar of the falls. The air is tranquil and its temperature mild. It is morning, and a morning sweet and fresh and delightful. Everybody knows the morning in its metaphorical sense, applied to so many occasions. The health, strength, and beauty of early years lead us to call that period the 'morning of life.' Of a lovely young woman we say she is 'bright as the morning,' and no one doubts why Lucifer is called 'son of the morning.'

"But the morning itself, few people, inhabitants of cities, know anything about. Among all our good people no one in a thousand sees the sun rise once in a year. They know nothing of the morning. Their idea of it is that it is that part of the day which comes along after a cup of coffee and a beefsteak, or a piece of toast. With them morning is not a new issuing of light, a new bursting forth of the sun, a new waking up of all that has life from a sort of temporary death, to behold again the works of God, the heavens, and the earth; it is only a part of the domestic day, belonging to reading the newspapers, answering notes, sending the children to school, and giving orders for dinner. The first streak of light, the earliest purpling of the east, which the lark springs up to greet, and the deeper and deeper coloring into orange and red, till at length the 'glorious sun is seen, regent of the day'—this they never enjoy, for they never see it.

"Beautiful descriptions of the morning abound in all languages, but they are the strongest perhaps in the East, where the sun is often an object of worship.

"King David speaks of taking to himself the 'wings

of the morning.' This is highly poetical and beautiful. The wings of the morning are the beams of the rising sun. Rays of light are wings. It is thus said that the sun of righteousness shall arise 'with healing in his wings'—a rising sun that shall scatter life, health, and joy throughout the universe.

"Milton has fine descriptions of morning, but not so many as Shakespeare, from whose writings pages of the most beautiful imagery, all founded on the glory of morning, might be filled.

"I never thought that Adam had much the advantage of us from having seen the world while it was new.

"The manifestations of the power of God, like his mercies, are 'new every morning,' and fresh every moment.

"We see as fine risings of the sun as ever Adam saw; and its risings are as much a miracle now as they were in his day, and I think a good deal more, because it is now a part of the miracle, that for thousands and thousands of years he has come to his appointed time, without the variation of a millionth part of a second. Adam could not tell how this might be. I know the morning—I am acquainted with it, and I love it. I love it fresh and sweet as it is—a daily new creation, breaking forth and calling all that have life and breath and being to new adoration, new enjoyments, and new gratitude.

"DANIEL WEBSTER."

After the death of Mr. Webster, Edward Everett was appointed to succeed him in the State Department. John P. Kennedy, of Maryland, had taken the place of Wm. A. Graham in the Cabinet, Mr. Graham having resigned to make the fruitless race with General Scott. Nathan K. Hall, the Postmaster-General, had also resigned (in November) to receive the appointment of District Judge in New York,

and Samuel D. Hubbard, of Connecticut, filled the position of Postmaster-General for the remainder of Mr. Fillmore's term. In this condition of affairs at Washington Congress met again on Monday, December 6, 1852, and on the same day President Fillmore sent in his last annual message.

## CHAPTER XVII.

LAST ANNUAL MESSAGE—CONGRESS AND THE PRESIDENT—CLOSE OF THE THIRTEENTH ADMINISTRATION—MR. FILLMORE AND HIS SUCCESSOR.

## MR. FILLMORE'S LAST ANNUAL MESSAGE.

*December 6, 1852.*

FELLOW-CITIZENS OF THE SENATE AND OF THE HOUSE OF REPRESENTATIVES :—

THE brief space which has elapsed since the close of your last session has been marked by no extraordinary political event. The quadrennial election of Chief Magistrate has passed off with less than the usual excitement. However individuals and parties may have been disappointed in the result, it is, nevertheless, a subject of national congratulation that the choice has been effected by the independent suffrages of a free people undisturbed by those influences which in other countries have too often affected the purity of popular elections.

Our grateful thanks are due to an all-merciful Providence, not only for staying the pestilence which, in different forms, has desolated some of our cities, but for crowning the labors of the husbandman with an abundant harvest, and the Nation generally with the blessings of peace and prosperity.

Within a few weeks the public mind has been deeply affected by the death of Daniel Webster, filling, at his decease, the office of Secretary of State. His associates in the Executive Government have sincerely sympathized with his family and the public generally on this mournful occasion. His commanding talents, his great political and professional eminence, his well-tryed patriotism, and his long and faithful services in the most important public trusts, have caused his death to be



lamented throughout the country, and have earned for him a lasting place in our history.

In the course of the last summer considerable anxiety was caused for a short time by an official intimation from the government of Great Britain that orders had been given for the protection of the fisheries upon the coasts of the British Provinces in North America against the alleged encroachments of the fishing-vessels of the United States and France. The shortness of this notice, and the season of the year, seemed to make it a matter of urgent importance. It was at first apprehended that an increased naval force had been ordered to the fishing-grounds to carry into effect the British interpretation of those provisions in the Convention of 1818 in reference to the true intent of which the two governments differ. It was soon discovered that such was not the design of Great Britain; and satisfactory explanations of the real objects of the measure have been given both here and in London.

The unadjusted difference, however, between the two governments, as to the interpretation of the first article of the Convention of 1818, is still a matter of importance. American fishing-vessels, within nine or ten years, have been excluded from waters to which they had free access for twenty-five years after the negotiation of the treaty. In 1845 this exclusion was relaxed so far as concerns the Bay of Fundy; but the just and liberal intention of the home government, in compliance with what we think the true construction of the convention, to open all the other outer bays to our fishermen, was abandoned, in consequence of the opposition of the colonies. Notwithstanding this, the United States have, since the Bay of Fundy was reopened to our fishermen in 1845, pursued the most liberal course toward the colonial fishing interests. By the revenue law of 1846, the duties on colonial fish entering our ports were very greatly reduced, and, by the warehousing act, it is allowed to be entered in bond without payment of duty. In this way, colonial fish has acquired the monopoly of the export trade in our market, and is entering, to some extent, into the home consumption. These facts were among those which increased the sensibility of our fishing interest at the movement in question.

These circumstances and the incidents above alluded to have led me to think the moment favorable for a reconsideration of the entire subject of the fisheries on the coasts of the British Provinces, with a view to place them upon a more liberal footing of reciprocal privilege. A willingness to meet us in some arrangement of this kind is understood to exist on the part of Great Britain, with a desire on her part to include in one comprehensive settlement, as well this subject as the commercial intercourse between the United States and the British Provinces. I have thought that, whatever arrangements may be made on these two subjects, it is expedient that they should be embraced in separate conventions. The illness and death of the late Secretary of State prevented the commencement of the contemplated negotiation. Pains have been taken to collect the information required for the details of such an arrangement. The subject is attended with considerable difficulty. If it is found practicable to come to an agreement mutually acceptable to the two parties, conventions may be concluded in the course of the present winter. The control of Congress over all the provisions of such an arrangement affecting the revenue will of course be reserved.

The affairs of Cuba formed a prominent topic in my last annual message. They remain in an uneasy condition, and a feeling of alarm and irritation on the part of the Cuban authorities appears to exist. This feeling has interfered with the regular commercial intercourse between the United States and the island, and led to some acts of which we have a right to complain. But the Captain-General of Cuba is clothed with no power to treat with foreign governments, nor is he in any degree under the control of the Spanish Minister at Washington. Any communication which he may hold with an agent of a foreign power is informal and matter of courtesy. Anxious to put an end to the existing inconveniences (which seem to rest on a misconception), I directed the newly appointed minister to Mexico to visit Havana, on his way to Vera Cruz. He was respectfully received by the Captain-General, who conferred with him freely on the recent occurrence; but no permanent arrangement was effected.

In the meantime, the refusal of the Captain-General to allow

passengers and the mail to be landed in certain cases, for a reason which does not furnish, in the opinion of this Government, even a good presumptive ground for such a prohibition, has been made the subject of a serious remonstrance at Madrid; and I have no reason to doubt that due respect will be paid by the government of Her Catholic Majesty to the representations which our Minister has been instructed to make on the subject.

It is but justice to the Captain-General to add, that his conduct toward the steamers employed to carry the mails of the United States to Havana has, with the exceptions above alluded to, been marked with kindness and liberality, and indicates no general purpose of interfering with the commercial correspondence and intercourse between the island and this country.

Early in the present year, official notes were received from the Ministers of France and England, inviting the Government of the United States to become a party with Great Britain and France to a tripartite convention, in virtue of which the three powers should severally and collectively disclaim, now and for the future, all intention to obtain possession of the island of Cuba, and should bind themselves to discountenance all attempts to that effect on the part of any power or individual whatever. This invitation has been respectfully declined, for reasons which would occupy too much space in this communication to state in detail, but which led me to think that the proposed measure would be of doubtful Constitutionality, impolitic, and unavailing. I have, however, in common with several of my predecessors, directed the Ministers of France and England to be assured that the United States entertain no designs against Cuba; but that, on the contrary, I should regard its incorporation into the Union at the present time as fraught with serious peril.

Were this island comparatively destitute of inhabitants, or occupied by a kindred race, I should regard it, if voluntarily ceded by Spain, as a most desirable acquisition. But under existing circumstances, I should look upon its incorporation into our Union as a very hazardous measure. It would bring into the confederacy a population of a different national stock, speaking a different language, and not likely to harmonize with

the other members. It would probably affect, in a prejudicial manner, the industrial interests of the South; and it might revive those conflicts of opinion between the different sections of the country which lately shook the Union to its center, and which have been so happily compromised.

The rejection by the Mexican Congress of the convention which had been concluded between that Republic and the United States, for the protection of a transit way across the Isthmus of Tehuantepec, and of the interest of those citizens of the United States who had become proprietors of the rights which Mexico had conferred on one of her own citizens in regard to that transit, has thrown a serious obstacle in the way of the attainment of a very desirable national object. I am still willing to hope that the differences on the subject which exist, or may hereafter arise, between the governments, will be amicably adjusted. This subject, however, has already engaged the attention of the Senate of the United States, and requires no further comment in this communication.

The settlement of the question respecting the port of San Juan de Nicaragua, and of the controversy between the Republics of Costa Rica and Nicaragua in regard to their boundaries, was considered indispensable to the commencement of the ship-canal between the two oceans, which was the subject of the convention between the United States and Great Britain of the 19th of April, 1850. Accordingly, a proposition for the same purposes, addressed to the two governments in that quarter, and to the Mosquito Indians, was agreed to in April last by the Secretary of State and the Minister of Her Britannic Majesty. Besides the wish to aid in reconciling the differences of the two Republics, I engaged in the negotiation from a desire to place the great work of a ship-canal between the two oceans under one jurisdiction, and to establish the important port of San Juan de Nicaragua under the government of a civilized power. The proposition in question was assented to by Costa Rica and the Mosquito Indians. It has not proved equally acceptable to Nicaragua; but it is to be hoped that the further negotiations on the subject which are in train will be carried on in that spirit of conciliation and compromise which ought always to prevail on such occasions, and that they will lead to a satisfactory result.



I have the satisfaction to inform you that the executive government of Venezuela has acknowledged some claims of citizens of the United States, which have for many years past been urged by our Chargé d'Affaires at Caraccas. It is hoped that the same sense of justice will actuate the Congress of that Republic in providing the means for their payment.

The recent revolution in Buenos Ayres and the confederated States having opened the prospect of an improved state of things in that quarter, the governments of Great Britain and France determined to negotiate with the chief of the new confederacy for the free access of their commerce to the extensive countries watered by the tributaries of the La Plata; and they gave a friendly notice of this purpose to the United States, that we might, if we thought proper, pursue the same course. In compliance with this invitation, our Minister at Rio Janeiro and our Chargé d'Affaires at Buenos Ayres have been fully authorized to conclude treaties with the newly organized confederation, or the States composing it. The delays which have taken place in the formation of the new government have, as yet, prevented the execution of those instructions; but there is every reason to hope that these vast countries will be eventually opened to our commerce.

A treaty of commerce has been concluded between the United States and the oriental Republic of Uruguay, which will be laid before the Senate. Should this convention go into operation, it will open to the commercial enterprise of our citizens a country of great extent, and unsurpassed in natural resources, but from which foreign nations have hitherto been almost wholly excluded.

The correspondence of the late Secretary of State with the Peruvian Chargé d'Affaires relative to the Lobos Islands was communicated to Congress toward the close of the last session. Since that time, on further investigation of the subject, the doubts which had been entertained of the title of Peru to those islands have been removed; and I have deemed it just that the temporary wrong which had been unintentionally done her, from want of information, should be repaired by an unreserved acknowledgment of her sovereignty.

I have the satisfaction to inform you that the course pur-



sued by Peru has been creditable to the liberality of her government. Before it was known by her that her title would be acknowledged at Washington, her Minister of Foreign Affairs had authorized our Chargé d'Affaires at Lima to announce to the American vessels which had gone to the Lobos for guano that the Peruvian government was willing to freight them on its own account. This intention has been carried into effect by the Peruvian Minister here by an arrangement which is believed to be advantageous to the parties in interest.

Our settlements on the shores of the Pacific have already given a great extension, and, in some respects, a new direction to our commerce in that ocean. A direct and rapidly increasing intercourse has sprung up with Eastern Asia. The waters of the Northern Pacific, even into the Arctic Sea, have of late years been frequented by our whalers. The application of steam to the general purposes of navigation is becoming daily more common, and makes it desirable to obtain fuel and other necessary supplies at convenient points on the route between Asia and our Pacific shores. Our unfortunate countrymen who from time to time suffer shipwreck on the coasts of the eastern seas, are entitled to protection. Besides these specific objects, the general prosperity of our States on the Pacific requires that an attempt should be made to open the opposite regions of Asia to a mutually beneficial intercourse. It is obvious that this attempt could be made by no power to so great advantage as by the United States, whose Constitutional system excludes every idea of distant colonial dependencies. I have accordingly been led to order an appropriate naval force to Japan, under the command of a discreet and intelligent officer of the highest rank known to our service. He is instructed to endeavor to obtain from the government of that country some relaxation of the inhospitable and anti-social system which it has pursued for about two centuries. He has been directed particularly to remonstrate in the strongest language against the cruel treatment to which our shipwrecked mariners have often been subjected, and to insist that they shall be treated with humanity. He is instructed, however, at the same time to give that government the amplest assurances that the objects of the United States are such, and such only, as I have indi-

cated, and that the expedition is friendly and peaceful. Notwithstanding the jealousy with which the governments of Eastern Asia regard all overtures from foreigners, I am not without hopes of a beneficial result of the expedition. Should it be crowned with success, the advantages will not be confined to the United States, but, as in the case of China, will be equally enjoyed by all the other maritime powers. I have much satisfaction in stating that in all the steps preparatory to this expedition the Government of the United States has been materially aided by the good offices of the king of the Netherlands, the only European power having any commercial relations with Japan.

In passing from this survey of our foreign relations, I invite the attention of Congress to the condition of that Department of the Government to which this branch of the public business is intrusted. Our intercourse with foreign powers has, of late years, greatly increased, both in consequence of our own growth and the introduction of many new States into the family of nations. In this way the Department of State has become overburdened. It has, by the recent establishment of the Department of the Interior, been relieved of some portion of the domestic business. If the residue of the business of that kind—such as the distribution of Congressional documents, the keeping, publishing, and distribution of the laws of the United States, the execution of the copyright law, the subject of reprieves and pardons, and some other subjects relating to interior administration—should be transferred from the Department of State, it would, unquestionably, be for the benefit of the public service. I would also suggest that the building appropriated to the State Department is not fire-proof; that there is reason to think there are defects in its construction, and that the archives of the Government in charge of the Department, with the precious collections of the manuscript papers of Washington, Jefferson, Hamilton, Madison, and Monroe, are exposed to destruction by fire. A similar remark may be made of the buildings appropriated to the War and Navy Departments.

The condition of the treasury is exhibited in the annual report from that Department.

The cash receipts into the Treasury for the fiscal year ending the 30th of June last, exclusive of trust funds, were forty-nine millions seven hundred and twenty-eight thousand three hundred and eighty-six dollars and eighty-nine cents (\$49,728,386.89), and the expenditures for the same period, likewise exclusive of trust funds, were forty-six millions seven thousand eight hundred and ninety-six dollars and twenty cents (\$46,007,896.20), of which nine millions four hundred and fifty-five thousand eight hundred and fifteen dollars and eighty-three cents (\$9,455,815.83) was on account of the principal and interest of the public debt, including the last installment of the indemnity to Mexico, under the treaty of Guadalupe-Hidalgo; leaving a balance of fourteen millions six hundred and thirty-two thousand one hundred and thirty-six dollars and thirty-seven cents (\$14,632,136.37) in the Treasury on the first day of July last. Since this latter period further purchases of the principal of the public debt have been made to the extent of two millions four hundred and fifty-six thousand five hundred and forty-seven dollars and forty-nine cents (\$2,456,547.49), and the surplus in the treasury will continue to be applied to that object whenever the stock can be procured within the limits, as to price, authorized by law.

The value of foreign merchandise imported during the last fiscal year was two hundred and seven millions two hundred and forty thousand one hundred and one dollars (\$207,240,101); and the value of domestic productions exported was one hundred and forty-nine millions eight hundred and sixty-one thousand nine hundred and eleven dollars (\$149,861,911); besides seventeen millions two hundred and four thousand and twenty-six dollars (\$17,204,026) of foreign merchandise exported; making the aggregate of the entire exports one hundred and sixty-seven millions sixty-five thousand nine hundred and thirty-seven dollars (\$167,065,937); exclusive of the above there was exported forty-two millions five hundred and seven thousand two hundred and eighty-five dollars (\$42,507,285) in specie, and imported from foreign ports five millions two hundred and sixty-two thousand six hundred and forty-three dollars (\$5,262,643).

In my first annual message to Congress I called your atten-

tion to what seemed to me some defects in the present tariff, and recommended such modifications as in my judgment were best adapted to remedy its evils and promote the prosperity of the country. Nothing has since occurred to change my views on this important question.

Without repeating the arguments contained in my former message, in favor of discriminating, protective duties, I deem it my duty to call your attention to one or two other considerations affecting this subject. The first is, the effect of large importations of foreign goods upon our currency. Most of the gold of California, as fast as it is coined, finds its way directly to Europe in payment for goods purchased. In the second place, as our manufacturing establishments are broken down by competition with foreigners, the capital invested in them is lost, thousands of honest and industrious citizens are thrown out of employment, and the farmer, to that extent, is deprived of a home market for the sale of his surplus produce. In the third place, the destruction of our manufactures leaves the foreigner without competition in our market, and he consequently raises the price of the article sent here for sale, as is now seen in the increased cost of iron imported from England. The prosperity and wealth of every nation must depend upon its productive industry. The farmer is stimulated to exertion by finding a ready market for his surplus products, and benefited by being able to exchange them, without loss of time or expense of transportation, for the manufactures which his comfort or convenience requires. This is always done to the best advantage where a portion of the community in which he lives is engaged in other pursuits. But most manufactures require an amount of capital and a practical skill which can not be commanded unless they be protected for a time from ruinous competition from abroad. Hence the necessity of laying those duties upon imported goods which the Constitution authorizes for revenue in such a manner as to protect and encourage the labor of our own citizens. Duties, however, should not be fixed at a rate so high as to exclude the foreign article, but should be so graduated as to enable the domestic manufacturer fairly to compete with the foreigner in our own markets, and by this competition to



reduce the price of the manufactured article to the consumer to the lowest rate at which it can be produced. This policy would place the mechanic by the side of the farmer, create a mutual interchange of their respective commodities, and thus stimulate the industry of the whole country, and render us independent of foreign nations for the supplies required by the habits or necessities of the people.

Another question, wholly independent of protection, presents itself, and that is, whether the duties levied should be upon the value of the article at the place of shipment, or, where it is practicable, a specific duty, graduated according to quantity, as ascertained by weight or measure. All our duties are at present *ad valorem*. A certain percentage is levied on the price of the goods at the port of shipment in a foreign country. Most commercial nations have found it indispensable, for the purpose of preventing fraud and perjury, to make the duties specific whenever the article is of such a uniform value in weight or measure as to justify such a duty. Legislation should never encourage dishonesty or crime. It is impossible that the revenue officers at the port where the goods are entered and the duties paid should know with certainty what they cost in the foreign country. Yet the law requires that they should levy the duty according to such a cost. They are, therefore, compelled to resort to very unsatisfactory evidence to ascertain what that cost was. They take the invoice of the importer, attested by his oath, as the best evidence of which the nature of the case admits. But every one must see that the invoice may be fabricated, and the oath by which it is supported false, by reason of which the dishonest importer pays a part only of the duties which are paid by the honest one, and thus indirectly receives from the treasury of the United States a reward for his fraud and perjury. The reports of the Secretary of the Treasury, heretofore made on this subject, show conclusively that these frauds have been practiced to a great extent. The tendency is to destroy that high moral character for which our merchants have long been distinguished; to defraud the Government of its revenue; to break down the honest importer by a dishonest competition; and, finally, to transfer the business of importation to foreign and irresponsible agents, to the great



detriment of our own citizens. I therefore again most earnestly recommend the adoption of specific duties, wherever it is practicable, or a home valuation, to prevent these frauds.

I would also again call your attention to the fact that the present tariff, in some cases, imposes a higher duty upon the raw material imported than upon the article manufactured from it, the consequence of which is, that the duty operates to the encouragement of the foreigner and to the discouragement of our own citizens.

For full and detailed information in regard to the general condition of our Indian affairs I respectfully refer you to the report of the Secretary of the Interior and the accompanying documents.

The Senate not having thought proper to ratify the treaties which had been negotiated with the tribes of Indians in California and Oregon, our relations with them have been left in a very unsatisfactory condition.

In other parts of our territory particular districts of country have been set apart for the exclusive occupation of the Indians, and their right to the lands within those limits has been acknowledged and respected. But in California and Oregon there has been no recognition by the Government of the exclusive right of the Indians to any part of the country. They are, therefore, mere tenants at sufferance, and liable to be driven from place to place at the pleasure of the whites.

The treaties which have been rejected proposed to remedy this evil, by allotting to the different tribes districts of country suitable to their habits of life, and sufficient for their support. This provision, more than any other, it is believed, led to their rejection; and as no substitute for it has been adopted by Congress, it has not been deemed advisable to attempt to enter into new treaties of a permanent character, although no effort has been spared by temporary arrangements to preserve friendly relations with them.

If it be the desire of Congress to remove them from the country altogether, or to assign to them particular districts more remote from the settlements of the whites, it will be proper to set apart by law the territory which they are to occupy, and to provide the means necessary for removing them

to it. Justice alike to our own citizens and to the Indians requires the prompt action of Congress on this subject.

The amendments proposed by the Senate to the treaties which were negotiated with the Sioux Indians of Minnesota have been submitted to the tribes who were parties to them, and have received their assent. A large tract of valuable territory has thus been opened for settlement and cultivation, and all danger of collision with these powerful and warlike bands has been happily removed.

The removal of the remnant of the tribe of Seminole Indians from Florida has long been a cherished object of the Government, and it is one to which my attention has been steadily directed. Admonished by past experience of the difficulty and cost of the attempt to remove them by military force, resort has been had to conciliatory measures. By the invitation of the Commissioner of Indian Affairs several of the principal chiefs recently visited Washington, and while here acknowledged in writing the obligation of their tribe to remove with the least possible delay. Late advices from the special agent of the Government represent that they adhere to their promise, and that a council of their people has been called to make their preliminary arrangements. A general emigration may, therefore, be confidently expected at an early day.

The report from the general land-office shows increased activity in its operations. The survey of the northern boundary of Iowa has been completed with unexampled dispatch. Within the last year 9,522,953 acres of public land have been surveyed, and 8,032,463 acres brought into market.

In the last fiscal year there were sold . . . . .	1,553,071	acres.
Located with bounty land-warrants, . . . . .	3,201,314	"
Located with other certificates, . . . . .	115,682	"
Making a total of . . . . .	4,870,067	"
In addition, there were—		
Reported under swamp-land grants, . . . . .	5,219,188	"
For internal improvements, railroads, etc., . . . .	3,025,920	"
Making an aggregate of . . . . .	13,115,175	"

Being an increase in the amount of lands sold and located under land-warrants of 569,220 acres over the previous year.

The whole amount thus sold, located under land-warrants,

reported under swamp-land grants, and selected for internal improvements, exceeds that of the previous year by 3,342,372 acres; and the sales would, without doubt, have been much larger but for the extensive reservations for railroads in Missouri, Mississippi, and Alabama.

For the quarter ending 30th September, 1852, there	
were sold . . . . .	243,255 acres.
Located with bounty land-warrants, . . . . .	1,387,116 "
Located with other certificates, . . . . .	15,649 "
Reported under swamp-land grants, . . . . .	2,485,233 "
Making an aggregate for the quarter of . . . . .	4,131,253 "

Much the larger portion of the labor of arranging and classifying the returns of the last census has been finished, and it will now devolve upon Congress to make the necessary provision for the publication of the results in such form as shall be deemed best. The apportionment of representation, on the basis of the new census, has been made by the Secretary of the Interior in conformity with the provisions of law relating to that subject, and the recent elections have been made in accordance with it.

I commend to your favorable regard the suggestion contained in the report of the Secretary of the Interior, that provision be made by law for the publication and distribution, periodically, of an analytical digest of all the patents which have been, or may hereafter be, granted for useful inventions and discoveries, with such descriptions and illustrations as may be necessary to present an intelligible view of their nature and operation. The cost of such publication could easily be defrayed out of the patent fund, and I am persuaded that it could be applied to no object more acceptable to inventors and beneficial to the public at large.

An appropriation of \$100,000 having been made at the last session for the purchase of a suitable site, and for the erection, furnishing, and fitting up of an asylum for the insane of the District of Columbia, and of the army and navy of the United States, the proper measures have been adopted to carry this beneficent purpose into effect.

By the latest advices from the Mexican Boundary Commission it appears that the survey of the river Gila, from its con-

fluence with the Colorado to its supposed intersection with the western line of New Mexico, has been completed. The survey of the Rio Grande has also been finished from the point agreed on by the commissioners as "the point where it strikes the southern boundary of New Mexico" to a point one hundred and thirty-five miles below Eagle Pass, which is about two-thirds of the distance along the course of the river to its mouth.

The appropriation which was made at the last session of Congress for the continuation of the survey is subject to the following proviso:

*"Provided, That no part of this appropriation shall be used or expended until it shall be made satisfactorily to appear to the President of the United States that the southern boundary of New Mexico is not established by the commissioner and surveyor of the United States farther north of the town called 'Paso' than the same is laid down in Disturnell's map, which is added to the treaty."*

My attention was drawn to this subject by a report from the Department of the Interior, which reviewed all the facts of the case, and submitted for my decision the question whether, under existing circumstances, any part of the appropriation could be lawfully used or expended for the further prosecution of the work. After a careful consideration of the subject I came to the conclusion that it could not, and so informed the head of that Department. Orders were immediately issued by him to the commissioner and surveyor to make no further requisitions on the Department, as they could not be paid, and to discontinue all operations on the southern line of New Mexico. But as the Department had no exact information as to the amount of provisions and money which remained unexpended in the hands of the commissioner and surveyor, it was left discretionary with them to continue the survey down the Rio Grande as far as the means at their disposal would enable them, or at once to disband the commission. A special messenger has since arrived from the officer in charge of the survey on the river, with information that the funds subject to his control were exhausted, and that the officers and others employed in the service were destitute alike of the means of prosecuting the work and of returning to their homes.



The object of the proviso was doubtless to arrest the survey of the southern and western lines of New Mexico, in regard to which different opinions have been expressed; for it is hardly to be supposed that there could be any objection to that part of the line which extends along the channel of the Rio Grande. But the terms of the law are so broad as to forbid the use of any part of the money for the prosecution of the work, or even for the payment to the officers and agents of the arrearages of pay which are justly due to them.

I earnestly invite your prompt attention to this subject, and recommend a modification of the terms of the proviso, so as to enable the Department to use as much of the appropriation as will be necessary to discharge the existing obligations of the Government, and to complete the survey of the Rio Grande to its mouth.

It will also be proper to make further provision by law for the fulfillment of our treaty with Mexico, for running and marking the residue of the boundary-line between the two countries.

-Permit me to invite your particular attention to the interests of the District of Columbia, which are confided by the Constitution to your peculiar care. Among the measures which seem to me of the greatest importance to its prosperity, are the introduction of a copious supply of water into the city of Washington and the construction of suitable bridges across the Potomac, to replace those which were destroyed by high water in the early part of the present year.

At the last session of Congress an appropriation was made to defray the cost of the surveys necessary for determining the best means of affording an unfailing supply of good and wholesome water. Some progress has been made in the survey, and as soon as it is completed the result will be laid before you.

Further appropriations will also be necessary for grading and paving the streets and avenues, and inclosing and embellishing the public grounds within the city of Washington.

I commend all these objects, together with the charitable institutions of the District, to your favorable regard.

Every effort has been made to protect our frontier and that of the adjoining Mexican States from the incursions of the



Indian tribes. Of about 11,000 men of which the army is composed nearly 8,000 are employed in the defense of the newly acquired territory (including Texas) and of emigrants proceeding thereto. I am gratified to say that these efforts have been unusually successful. With the exception of some partial outbreaks in California and Oregon, and occasional depredations on a portion of the Rio Grande, owing, it is believed, to the disturbed state of that border region, the inroads of the Indians have been effectually restrained.

Experience has shown, however, that whenever the two races are brought into contact, collisions will inevitably occur. To prevent these collisions the United States have generally set apart portions of their territory for the exclusive occupation of the Indian tribes. A difficulty occurs, however, in the application of this policy to Texas. By the terms of the compact by which that State was admitted into the Union, she retained the ownership of all the vacant lands within her limits. The government of that State, it is understood, has assigned no portion of her territory to the Indians; but, as fast as her settlements advance, lays it off into counties, and proceeds to survey and sell it. This policy manifestly tends not only to alarm and irritate the Indians, but to compel them to resort to plunder for subsistence. It also deprives this Government of that influence and control over them without which no durable peace can ever exist between them and the whites. I trust, therefore, that a due regard for her own interests, apart from the consideration of humanity and justice, will induce that State to assign a small portion of her vast domain for the provisional occupancy of the small remnants of tribes within her borders, subject, of course, to her ownership and eventual jurisdiction. If she should fail to do this, the fulfillment of our treaty stipulations with Mexico, and our duty to the Indians themselves, will, it is feared, become a subject of serious embarrassment to the Government. It is hoped, however, that a timely and just provision by Texas may avert this evil.

No appropriations for fortifications were made at the last two sessions of Congress. The cause of this omission is probably to be found in a growing belief that the system of fortifications adopted in 1816, and heretofore acted on, requires revision.

The subject certainly deserves full and careful investigation; but it should not be delayed longer than can be avoided. In the meantime, there are certain works which have been commenced—some of them nearly completed—designed to protect our principal sea-ports from Boston to New Orleans, and a few other important points. In regard to the necessity for these works, it is believed that little difference of opinion exists among military men. I therefore recommend that the appropriations necessary to prosecute them be made.

I invite your attention to the remarks on this subject, and on others connected with his Department, contained in the accompanying report of the Secretary of War.

Measures have been taken to carry into effect the law of the last session making provision for the improvement of certain rivers and harbors, and it is believed that the arrangements made for that purpose will combine efficiency with economy. Owing chiefly to the advanced season when the act was passed, little has yet been done in regard to many of the works beyond making the necessary preparations. With respect to a few of the improvements the sums already appropriated will suffice to complete them; but most of them will require additional appropriations. I trust that these appropriations will be made, and that this wise and beneficent policy so auspiciously resumed will be continued. Great care should be taken, however, to commence no work which is not of sufficient importance to the commerce of the country to be viewed as national in its character. But works which have been commenced should not be discontinued until completed, as otherwise the sums expended will in most cases be lost.

The report from the Navy Department will inform you of the prosperous condition of the branch of the public service committed to its charge. It presents to your consideration many topics and suggestions of which I ask your approval. It exhibits an unusual degree of activity in the operations of the Department during the past year. The preparations for the Japan expedition, to which I have already alluded; the arrangements made for the exploration and survey of the China Seas, the Northern Pacific, and Behring's Straits; the incipient measures taken toward a reconnoissance of the Continent of

Africa eastward of Liberia; the preparation for an early examination of the tributaries of the River La Plata, which a recent decree of the Provisional Chief of the Argentine Confederation has opened to navigation—all these enterprises, and the means by which they are proposed to be accomplished, have commanded my full approbation, and I have no doubt will be productive of most useful results.

Two officers of the navy were heretofore instructed to explore the whole extent of the Amazon River from the confines of Peru to its mouth. The return of one of them has placed in the possession of the Government an interesting and valuable account of the character and resources of a country abounding in the materials of commerce, and which, if opened to the industry of the world, will prove an inexhaustible fund of wealth. The report of this exploration will be communicated to you as soon as it is completed.

Among other subjects offered to your notice by the Secretary of the Navy, I select for special commendation, in view of its connection with the interests of the navy, the plan submitted by him for the establishment of a permanent corps of seamen, and the suggestions he has presented for the reorganization of the Naval Academy.

In reference to the first of these I take occasion to say that I think it will greatly improve the efficiency of the service, and that I regard it as still more entitled to favor for the salutary influence it must exert upon the naval discipline, now greatly disturbed by the increasing spirit of insubordination, resulting from our present system. The plan proposed for the organization of the seamen furnishes a judicious substitute for the law of September, 1850, abolishing corporal punishment, and satisfactorily sustains the policy of that act, under conditions well adapted to maintain the authority of command and the order and security of our ships. It is believed that any change which proposes permanently to dispense with this mode of punishment should be preceded by a system of enlistment which shall supply the navy with seamen of the most meritorious class, whose good deportment and pride of character may preclude all occasion for a resort to penalties of a harsh or degrading nature. The safety of a ship and her crew is often

dependent upon immediate obedience to a command, and the authority to enforce it must be equally ready. The arrest of a refractory seaman, in such moments, not only deprives the ship of indispensable aid, but imposes a necessity for double service on others, whose fidelity to their duties may be relied upon in such an emergency. The exposure to this increased and arduous labor, since the passage of the Act of 1850, has already had, to a most observable and injurious extent, the effect of preventing the enlistment of the best seamen in the navy. The plan now suggested is designed to promote a condition of service in which this objection will no longer exist. The details of this plan may be established in great part, if not altogether, by the Executive, under the authority of existing laws; but I have thought it proper, in accordance with the suggestion of the Secretary of the Navy, to submit it to your approval.

The establishment of a corps of apprentices for the navy, or boys to be enlisted until they become of age, and to be employed under such regulations as the Navy Department may devise, as proposed in the report, I cordially approve, and commend to your consideration; and I also concur in the suggestion that this system for the early training of seamen may be most usefully ingrafted upon the service of our merchant marine.

The other proposition of the report to which I have referred—the reorganization of the Naval Academy—I recommend to your attention as a project worthy of your encouragement and support. The valuable services already rendered by this institution entitle it to the continuance of your fostering care.

Your attention is respectfully called to the report of the Postmaster-General for the detailed operation of his Department during the last fiscal year, from which it will be seen that the receipts from postages for that time were less by \$1,431,696 than for the preceding fiscal year, being a decrease of about 23 per cent.

This diminution is attributable to the reduction in the rates of postage made by the Act of March 3, 1851, which reduction took effect at the commencement of the last fiscal year.

Although, in its operation during the last year, the act referred to has not fulfilled the predictions of its friends, by increasing the correspondence of the country in proportion to the reduction of postage, I should, nevertheless, question the policy



of returning to higher rates. Experience warrants the expectation, that as the community becomes accustomed to cheap postage, correspondence will increase. It is believed that from this cause, and the rapid growth of the country in population and business, the receipts of the Department must ultimately exceed its expenses, and that the country may safely rely upon the continuance of the present cheap rate of postage.

In former messages I have, among other things, respectfully recommended to the consideration of Congress the propriety and necessity of further legislation for the protection and punishment of foreign consuls residing in the United States; to revive, with certain modifications, the Act of 10th March, 1838, to restrain unlawful military expeditions against the inhabitants of conterminous States or Territories; for the preservation and protection from mutilation or theft of the papers, records, and archives of the Nation; for authorizing the surplus revenue to be applied to the payment of the public debt in advance of the time when it will become due; for the establishment of land-offices for the sale of the public lands in California and the Territory of Oregon; for the construction of a road from the Mississippi Valley to the Pacific Ocean; for the establishment of a bureau of agriculture for the promotion of that interest—perhaps the most important in the country; for the prevention of frauds upon the Government in applications for pensions and bounty lands; for the establishment of a uniform fee-bill, prescribing a specific compensation for every service required of clerks, district attorneys, and marshals; for authorizing an additional regiment of mounted men for the defense of our frontiers against the Indians, and for fulfilling our treaty stipulations with Mexico to defend her citizens against the Indians “with equal diligence and energy as our own;” for determining the relative rank between the naval and civil officers in our public ships, and between the officers of the army and navy in the various grades of each; for reorganizing the naval establishment by fixing the number of officers in each grade, and providing for a retired list upon reduced pay of those unfit for active duty; for prescribing and regulating punishments in the navy; for the appointment of a commission to revise the public statutes



of the United States, by arranging them in order, supplying deficiencies, correcting incongruities, simplifying their language, and reporting them to Congress for its final action; and for the establishment of a commission to adjudicate and settle private claims against the United States. I am not aware, however, that any of these subjects have been finally acted upon by Congress. Without repeating the reasons for legislation on these subjects which have been assigned in former messages, I respectfully recommend them again to your favorable consideration.

I think it due to the several executive departments of this Government to bear testimony to the efficiency and integrity with which they are conducted. With all the careful superintendence which it is possible for the heads of those departments to exercise, still the due administration and guardianship of the public money must very much depend on the vigilance, intelligence, and fidelity of the subordinate officers and clerks, and especially on those intrusted with the settlement and adjustments of claims and accounts. I am gratified to believe that they have generally performed their duties faithfully and well. They are appointed to guard the approaches to the public treasury, and they occupy positions that expose them to all the temptations and seductions which the cupidity of speculators and fraudulent claimants can prompt them to employ. It will be but a wise precaution to protect the Government against that source of mischief and corruption, as far as it can be done, by the enactment of all proper legal penalties. The laws, in this respect, are supposed to be defective, and I therefore deem it my duty to call your attention to the subject, and to recommend that provision be made by law for the punishment not only of those who shall accept bribes, but also of those who shall either promise, give, or offer to give to any of those officers or clerks a bribe or reward touching or relating to any matter of their official action or duty.

It has been the uniform policy of this Government, from its foundation to the present day, to abstain from all interference in the domestic affairs of other nations. The consequence has been, that while the nations of Europe have been engaged in desolating wars, our country has pursued its peaceful

course to unexampled prosperity and happiness. The wars in which we have been compelled to engage, in defense of the rights and honor of the country, have been fortunately of short duration. During the terrific contest of nation against nation, which succeeded the French Revolution, we were enabled by the wisdom and firmness of President Washington to maintain our neutrality. While other nations were drawn into this wide-sweeping whirlpool we sat quiet and unmoved upon our own shores. While the flower of their numerous armies was wasted by disease or perished by hundreds of thousands upon the battle-field, the youth of this favored land were permitted to enjoy the blessings of peace beneath the paternal roof. While the States of Europe incurred enormous debts, under the burden of which their subjects still groan, and which must absorb no small part of the product of the honest industry of those countries for generations to come, the United States have once been enabled to exhibit the proud spectacle of a nation free from public debt; and, if permitted to pursue our prosperous way for a few years longer in peace, we may do the same again.

But it is now said by some that this policy must be changed. Europe is no longer separated from us by a voyage of months, but steam navigation has brought her within a few days' sail of our shores. We see more of her movements and take a deeper interest in her controversies. Although no one proposes that we should join the fraternity of potentates who have for ages lavished the blood and treasure of their subjects in maintaining "the balance of power," yet it is said that we ought to interfere between contending sovereigns and their subjects, for the purpose of overthrowing the monarchies of Europe and establishing in their place republican institutions. It is alleged that we have heretofore pursued a different course from a sense of our weakness, but that now our conscious strength dictates a change of policy, and that it is consequently our duty to mingle in these contests and aid those who are struggling for liberty.

This is a most seductive but dangerous appeal to the generous sympathies of freemen. Enjoying, as we do, the blessings of a free government, there is no man who has an American

heart that would not rejoice to see these blessings extended to all other nations. We can not witness the struggle between the oppressed and his oppressor anywhere without the deepest sympathy for the former, and the most anxious desire for his triumph. Nevertheless, is it prudent or is it wise to involve ourselves in these foreign wars? Is it indeed true that we have heretofore refrained from doing so merely from the degrading motive of a conscious weakness? For the honor of the patriots who have gone before us, I can not admit it. Men of the Revolution who drew the sword against the oppressions of the mother country, and pledged to Heaven "their lives, their fortunes, and their sacred honor" to maintain their freedom, could never have been actuated by so unworthy a motive. They knew no weakness or fear where right or duty pointed the way, and it is a libel upon their fair fame for us, while we enjoy the blessings for which they so nobly fought and bled, to insinuate it. The truth is, that the course which they pursued was dictated by a stern sense of international justice, by a statesman-like prudence, and a far-seeing wisdom, looking not merely to the present necessities but to the permanent safety and interest of the country. They knew that the world is governed less by sympathy than by reason and force; that it was not possible for this Nation to become a "propagandist" of free principles without arraying against it the combined powers of Europe; and that the result was more likely to be the overthrow of republican liberty here than its establishment there. History has been written in vain for those who can doubt this. France had no sooner established a republican form of government than she manifested a desire to force its blessings on all the world. Her own historian informs us that, hearing of some petty acts of tyranny in a neighboring principality, "the National Convention declared that she would afford succor and fraternity to all nations who wished to recover their liberty; and she gave it in charge to the Executive power to give orders to the generals of the French armies to aid all citizens who might have been or should be oppressed in the cause of liberty." Here was the false step which led to her subsequent misfortunes. She soon found herself involved in war with all the rest of Europe. In less than ten years her government was

changed from a republic to an empire; and, finally, after shedding rivers of blood, foreign powers restored her exiled dynasty, and exhausted Europe sought peace and repose in the unquestioned ascendancy of monarchical principles. Let us learn wisdom from her example. Let us remember that revolutions do not always establish freedom. Our own free institutions were not the offspring of our Revolution. They existed before. They were planted in the free charters of self-government under which the English colonies grew up, and our Revolution only freed us from the dominion of a foreign power, whose government was at variance with those institutions. But European nations have had no such training for self-government, and every effort to establish it by bloody revolutions has been, and must without that preparation continue to be, a failure. Liberty, unregulated by law, degenerates into anarchy, which soon becomes the most horrid of all despotisms. Our policy is wisely to govern ourselves, and thereby to set such an example of national justice, prosperity, and true glory as shall teach to all nations the blessings of self-government, and the unparalleled enterprise and success of a free people.

We live in an age of progress, and ours is emphatically a country of progress. Within the last half-century the number of States in this Union has nearly doubled, the population has almost quadrupled, and our boundaries have been extended from the Mississippi to the Pacific. Our territory is chequered over with railroads and furrowed with canals. The inventive talent of our country is excited to the highest pitch, and the numerous applications for patents for valuable improvements distinguish this age and this people from all others. The genius of one American has enabled our commerce to move against wind and tide, and that of another has annihilated distance in the transmission of intelligence. The whole country is full of enterprise. Our common schools are diffusing intelligence among the people, and our industry is fast accumulating the comforts and luxuries of life. This is in part owing to our peculiar position, to our fertile soil and comparatively sparse population; but much of it is also owing to the popular institutions under which we live, to the freedom which every man feels to engage in any useful pursuit according to his taste or inclination, and



to the entire confidence that his person and property will be protected by the laws. But, whatever may be the cause of this unparalleled growth in population, intelligence, and wealth, one thing is clear, that the Government must keep pace with the progress of the people. It must participate in their spirit of enterprise, and while it exacts obedience to the laws, and restrains all unauthorized invasions of the rights of neighboring States, it should foster and protect home industry, and lend its powerful strength to the improvement of such means of intercommunication as are necessary to promote our internal commerce and strengthen the ties which bind us together as a people.

It is not strange, however much it may be regretted, that such an exuberance of enterprise should cause some individuals to mistake change for progress, and the invasion of the rights of others for national prowess and glory. The former are constantly agitating for some change in the organic law, or urging new and untried theories of human rights. The latter are ever ready to engage in any wild crusade against a neighboring people, regardless of the justice of the enterprise, and without looking at the fatal consequences to ourselves and to the cause of popular government. Such expeditions, however, are often stimulated by mercenary individuals, who expect to share the plunder or profit of the enterprise, without exposing themselves to danger, and are led on by some irresponsible foreigner, who abuses the hospitality of our own Government by seducing the young and ignorant to join in his scheme of personal ambition or revenge, under the false and delusive pretense of extending the area of freedom. These reprehensible aggressions but retard the true progress of our nation, and tarnish its fair fame. They should, therefore, receive the indignant frowns of every good citizen who sincerely loves his country and takes a pride in its prosperity and honor.

Our Constitution, though not perfect, is doubtless the best that ever was formed. Therefore, let every proposition to change it be well weighed, and, if found beneficial, cautiously adopted. Every patriot will rejoice to see its authority so exerted as to advance the prosperity and honor of the nation, while he will watch with jealousy any attempt to mutilate this charter of our liberties, or pervert its powers to acts of aggres-



sion or injustice. Thus shall conservatism and progress blend their harmonious action in preserving the form and spirit of the Constitution, and, at the same time, carry forward the great improvements of the country with a rapidity and energy which freemen only can display.

In closing this, my last annual communication, permit me, fellow-citizens, to congratulate you on the prosperous condition of our beloved country. Abroad its relations with all foreign powers are friendly, its rights are respected, and its high place in the family of nations cheerfully recognized. At home we enjoy an amount of happiness, public and private, which has, probably, never fallen to the lot of any other people. Besides affording to our own citizens a degree of prosperity, of which, on so large a scale, I know of no other instance, our country is annually affording a refuge and a home to multitudes, altogether without example, from the Old World.

We owe these blessings, under Heaven, to the happy Constitution and Government which were bequeathed to us by our fathers, and which it is our sacred duty to transmit, in all their integrity, to our children. We must all consider it a great distinction and privilege to have been chosen by the people to bear a part in the administration of such a Government. Called by an unexpected dispensation to its highest trust at a season of embarrassment and alarm, I entered upon its arduous duties with extreme diffidence. I claim only to have discharged them to the best of a humble ability, with a single eye to the public good; and it is with devout gratitude, in retiring from office, that I leave the country in a state of peace and prosperity.

This admirable message leaves only a short part of the history of Mr. Fillmore's Administration untold. The old subject of the Seminole Indians comes in for a share of attention at this time. Although they had been induced to sign a treaty, providing for their removal to the west side of the Mississippi, in 1832, a few of them refused to go, and still refused, and stood ready for hostilities. These had

increased in numbers since the long Seven Years' War, and, with the example of three of his predecessors before him, Mr. Fillmore was in no hurry to begin another war with this handful of stubborn people in the everglades of Florida. On the 18th of January, 1853, in a brief message, he placed the Seminole case before Congress, and here it rested at the close of his Administration.

The President, in this last annual message, modestly refers to the commercial treaties which had been effected under his supervision; also to his naval expedition, under Commodore Perry, to Japan, for the purpose of making an attempt to open that country to the commerce of this and other nations; explorations of the Amazon River, as well as other expeditions and movements looking to the commercial and other advantages of this country. And here the President takes occasion to throw a salutary shot or so at the recent demonstrations in favor of forcing this Government into an unwise interference in the affairs of European nations.

Cuban and Spanish affairs are also mentioned, and a plain reason or two given against the attempts to acquire Cuba at that time, in addition to the pursuit of the former policy of the Government. England and France, as has been shown, had become anxious about the fate of Cuba, and while they were willing to remain on amicable terms with the United States, they were unwilling to see her by any means get possession of Cuba. With a view of putting a certain obstacle in the way of her doing so, the

Ministers of both nations residing at Washington had proposed a treaty with this country which should obligate all three powers to protect Spain in her dominion in Cuba. A few days before the assembling of Congress the President had caused the following letter, prepared by Mr. Everett, to be sent to M. de Sartiges:—

“But the President has a graver objection to entering into the proposed convention. He has no wish to disguise the feeling that the compact, although equal in its terms, would be very unequal in substance. England and France by entering into it would disable themselves from obtaining possession of an island remote from their seats of government, belonging to another European power, whose natural right to possess it must always be as good as their own—a distant island in another hemisphere, and one which by no ordinary or peaceful course of things could ever belong to either of them. If the present balance of power in Europe should be broken up; if Spain should become unable to maintain the island in her possession, and England and France should be engaged in a death struggle with each other, Cuba might then be the prize of the victor. Till these events all take place the President does not see how Cuba can belong to any European power but Spain. The United States, on the other hand, would, by the proposed convention, disable themselves from making an acquisition which might take place without any disturbance of existing foreign relations, and in the natural order of things.

“The island of Cuba lies at our doors; it commands the approach to the Gulf of Mexico, which washes the shores of five of our States; it bars the entrance to that great river which drains half the North American Continent, and, with its tributaries, forms the largest system of internal water communication in the world; it keeps watch at the doorway of our intercourse with California by the Isthmus route. If an island like Cuba, belonging to the Spanish crown, guarded the entrance to the Thames or the Seine, and the United States

should propose a convention like this to England and France, those powers would assuredly feel that the disability assumed by ourselves was far less serious than that which we asked them to assume.

“The opinion of American statesmen at different times and under varying circumstances have differed as to the desirableness of the acquisition of Cuba by the United States. Territorially and commercially, it would in our hands be an extremely valuable possession. Under certain contingencies, it might be almost essential to our safety; still, for domestic reasons on which, in a communication of this kind, it might not be proper to dwell, the President thinks that the incorporation of the island into the Union at the present time, although effected with the consent of Spain, would be a hazardous measure, and he would consider its acquisition by force, except in a just war with Spain, should an event so greatly to be deprecated take place, as a disgrace to the civilization of the age. The President has given ample proof of the sincerity with which he holds these views. He has thrown the whole force of his Constitutional power against all illegal attacks upon the island. It would have been perfectly easy for him, without any seeming neglect of duty, to allow projects of a formidable character to gather strength by connivance. No amount of obloquy at home, no embarrassments caused by the indiscretions of the colonial government of Cuba, have moved him from the path of duty. In this respect the Captain-General of that island, an officer apparently of upright and conciliatory character, but probably more used to military command than the management of civil affairs, has, on a punctilio in reference to the purser of a private steamship, who seems to have been entirely innocent of the matters laid to his charge, refused to allow passengers and the mails of the United States to be landed from a vessel having him on board. This certainly is a very extraordinary mode of animadverting upon a supposed abuse of the liberty of the press by the subject of a foreign government in his native country. The Captain-General is not permitted by his government, three thousand miles off, to hold any diplomatic intercourse with the United States. He is subject, in no degree, to the direction of the Spanish Minister at



Washington; and the President has to choose between a resort to force to compel the abandonment of this gratuitous interruption of commercial intercourse, which would result in a war, and a delay of weeks and months necessary for a negotiation with Madrid, with all the chances of the most deplorable occurrences in the interval, and all for a trifle that ought to have admitted of a settlement by an exchange of notes between Washington and Havana. The President has, however, patiently submitted to these evils, and has continued faithfully to give to Cuba the advantage of those principles of the public law under the shadow of which she has departed in this case from the comity of nations. But the incidents to which I allude, and which are still in train, are among many others which point decisively to the expediency of some change in the relations of Cuba; and the President thinks that the influence of England and France with Spain would be well employed in inducing her so to modify the administration of the government of Cuba as to afford the means of some prompt remedy for evils of the kind alluded to, which have done much to increase the spirit of unlawful enterprise against the island. That a convention, such as is proposed, would be a transitory arrangement, sure to be swept away by the irresistible tide of affairs in a new country is to the apprehension of the President too obvious to require a labored argument. The project rests on principles applicable, if at all, to Europe, where international relations are, in their basis of great antiquity, slowly modified for the most part in the progress of time and events, and not applicable to America, which, but lately a waste, is filling up with intense rapidity, and adjusting on natural principles those territorial relations which on the first discovery of the continent were in a good degree fortuitous. The comparative history of Europe and America, even for a single century, shows this.

“In 1752 England, France, and Spain were not materially different in their political position in Europe from what they now are. They were ancient, mature, consolidated States, established in their relations with each other and the rest of the world; the leading powers of Western and Southern Europe. Totally different was the state of things in America. The United States had no existence as a people. A line of English



colonies, not numbering much over a million of inhabitants, stretched along the coast. France extended from the Bay of St. Lawrence to the Gulf of Mexico, and from the Alleghanies to the Mississippi, beyond which, westward, the continent was a wilderness, occupied by wandering savages, and subject to a conflicting and nominal claim on the part of France and Spain. Every thing in Europe was comparatively fixed—every thing in America provisional, incipient, and temporary, except the law of progress, which is as organic and vital in the youth of States as of individual men. A struggle between the provincial authorities of England and France for the possession of a petty stockade at the confluence of the Monongahela and the Alleghany kindled the Seven Years' War, at the close of which the great European powers, not materially affected in their relations at home, had undergone astonishing changes on this continent. France had disappeared from the map of America, whose inmost recesses had been penetrated by her zealous missionaries and her resolute and gallant adventurers. England had added the Canadas to her transatlantic dominions. Spain had become the mistress of Louisiana, so that, in the language of the Archbishop of Mexico, in 1770, she claimed Siberia as the northern boundary of New Spain.

“Twelve years only from the treaty of Paris elapsed, and another great change took place, fruitful of still greater changes to come. The American Revolution broke out. It involved England, France, and Spain in a tremendous struggle, and at its close the United States of America had taken their place in the family of nations. In Europe the ancient States were restored substantially to their former equilibrium, but a new element, of incalculable importance in reference to territorial arrangements, is henceforth to be recognized in America. Just twenty years from the close of the War of the American Revolution, France, by a treaty with Spain, of which the provisions have never been disclosed, possessed herself of Louisiana, but did so only to cede it to the United States, and in the same year Lewis and Clark started on their expedition to plant the flag of the United States on the shores of the Pacific. In 1819 Florida was sold by Spain to the United States, whose territorial possessions, in this way, had been increased threefold

in half a century. This last acquisition was so much a matter of course that it had been distinctly foreseen by the Count Aranda, then Prime Minister of Spain, as long ago as 1783. But even these momentous events are but the forerunners of new territorial revolutions still more stupendous.

“A dynastic struggle between the Emperor Napoleon and Spain, commencing in 1808, convulsed the peninsula, the vast possessions of the Spanish crown on this continent, vice-royalties and captain-generalships filling the space between California and Cape Horn. One after another asserted their independence; no friendly power in Europe at that time was able, or if able was willing, to succor Spain or aid her to prop the crumbling buttresses of her colonial empire. So far from it, when France, in 1823, threw an army of one hundred thousand men into Spain, to control her domestic politics, England thought it necessary to counteract the movement by recognizing the independence of the Spanish provinces in America; in the remarkable language of the distinguished minister of the day, in order to redress the balance of power in Europe he called into existence a new world in the West, somewhat overrating perhaps the extent of the derangement in the Old World, and not doing full justice to the position of the United States in America, or their influence on the fortunes of their sister republics on this continent.

“Thus, in sixty years from the close of the Seven Years’ War, Spain, like France, had lost the last remains of her once imperial possessions in this hemisphere. The United States, meantime, were, by the arts of peace and the healthful progress of things, rapidly enlarging their dimensions and consolidating their power. The great march of events still went on. Some of the new republics, from the effect of a mixture of races, or the want of training in liberal institutions, showed themselves incapable of self-government. The province of Texas revolted from Mexico by the same right by which Mexico revolted from Spain; at the memorable battle of San Jacinto, in 1836, she passed the great ordeal of nascent States, and her independence was recognized by this Government, by England, by France, and other European powers. Mainly peopled from the United States, she sought naturally to be incorporated into the Union.

The offer was repeatedly rejected by Presidents Jackson and Van Buren, to avoid a collision with Mexico. At last the annexation took place. As a domestic question, it is no fit subject for comment in a communication to a foreign minister; as a question of public law, there never was an extension of territory more naturally or justifiably made; it produced a disturbed relation with the government of Mexico, war ensued, and in its results other extensive territories were, for a large pecuniary compensation on the part of the United States, added to the Union.

“Without adverting to the divisions of opinion which arose in reference to this war—as must always happen in free countries in reference to great measures—no person surveying these events with the eye of comprehensive statesmanship, can fail to trace in the main result the undoubted operation of the law of our political existence. The consequences are before the world; vast provinces, which had languished for three centuries under the leaden sway of a stationary system, are coming under the influences of an active civilization; freedom of speech and the press; the trial by jury, religious equality, and representative government, have been carried by the Constitution of the United States into extensive regions in which they were unknown before. By the settlement of California the great circuit of intelligence round the globe is completed. The discovery of the gold of that region, leading as it did to the same discovery in Australia, has touched the nerves of industry throughout the world.”

It is quite evident from this manly and statesman-like paper from Mr. Everett what place even the cautious Administration of Mr. Fillmore would have given Cuba when its ownership became merely a question between England, France, and the United States. The President's message handles gently enough the recent annoyances from the Cuban authorities to the regular and legitimate acts and pursuits of the United States marine. In 1851 an

American vessel or two had been seized near the coast of Yucatan by the Spaniards merely on suspicion of having filibustering designs upon Cuba. In that year, too, one of our vessels was fired into by the Spaniards, without provocation. The American mails were opened and examined by order of the Cuban Governor (Captain-General); and the *Crescent City* was not allowed to land at Havana, simply because her purser was in bad favor with the Captain-General. This irresponsible tyrant made light of offering insults to the flag and citizens of this country. The people of the island were forbidden to make any display of friendly feelings for the United States or its institutions; and the privilege of educating their youth here was denied them, and even the importations of absolute necessities, as flour and sugar mills and other machinery, and men with skill and brains to work them, were watched with a doubtful and jealous eye. This dependency of a narrow, unwise, unprogressive, and half-civilized monarchy lying opposite the mouth of the Mississippi, and extending six hundred miles as a gateway and sentinel on the commerce of our southern coast, could never be otherwise than a disadvantage and nuisance to this free Government. As long as the second-rate power, Spain, should hold Cuba, with all these difficulties and the inconvenience of contact with an insincere and illiberal government, this country chose to leave things as they were.

Mr. Fillmore was urged to this course by the addition of two facts: The disturbance of the



recent Compromise Measures, and the introduction of an ignorant and undesirable foreign element into the national politics. That Mr. Fillmore had in view, in this message, the recent course of Louis Kossuth in this country, or was foreshadowing his future conduct in 1856 in reference to intermingling foreign influences and agents in the affairs of this country, was not, perhaps, generally, or indeed, to any great extent, seen at the time; nor did he likely himself give to his language then the significance it would have taken in the Know-Nothing contest at a later date. The Cuban question was not settled, however, nor is it at this day. Mr. Fillmore's successor took the same course he had pursued, and in 1854 was compelled to issue a proclamation in view of preparations for another raid on Cuba.

There was little important business transacted during this short session of Congress, ending at noon March 4, 1853. On the 20th of December, 1852, William R. King, the Vice-President-elect, by reason of bad health, resigned his place as President of the Senate *pro tempore*, and David R. Atchison, of Missouri, was chosen his successor.

A bill for the organization of Washington Territory was passed at this session, and further impetus was given to the new turn taken in the way of internal improvements under this Administration. Although this Congress was organized with a considerable political majority against the Executive, on the subject of national improvements, as well as the



purposes and workings of the Compromise Measures, there was a great degree of unanimity between the two branches of the Government. Mr. Fillmore's foreign policy was fully approved by Congress, as was also his opinion of domestic measures; and although the Whigs of the North had generally been against his nomination in 1852, he quit the Presidency under the good opinions of all parties and sections, save perhaps the Abolitionists, who still persisted in the pretension that he had turned his coat, and that simply to secure Southern supporters.

But when he entered upon the duties of the office the country was on the point of civil war; he favored those measures that led to at least temporary peace, and at the end of his term left the country enjoying a high state of political quiet, and material prosperity. The reader of these pages must be able to admit that Millard Fillmore's Administration was a clean, manly, and beneficial one to his country. Thus it must certainly stand in the history of our national affairs.

On the arrival of Franklin Pierce at the Capital he was invited to the White House by President Fillmore, and a reception was given in his honor at the Presidential Mansion on the 28th of February. On the same day he also dined with Mr. Fillmore. On the 4th of March, 1853, Mr. Fillmore witnessed the inauguration of his successor, and not long subsequently took up his residence in Buffalo, never afterwards entering upon his profession or filling any public place.

## CHAPTER XVIII.

## THE AMERICAN OR KNOW-NOTHING PARTY—CONVENTIONS AND PLATFORMS OF 1856—LAST OF THE WHIGS.

IT had been planned by Mr. Fillmore to make a trip to the South immediately after the close of his term of the Presidency, partly for the benefit of his wife's health. But Mrs. Fillmore was not destined to share in this journey, nor again to taste the sweets of the retirement of home for which she yearned and for which she was so well fitted. She died in Washington on the 30th of March, 1853. In the spring and summer of 1854 Mr. Fillmore made the deferred trip to the South, also visiting some of the Western States, and was received with much kindness and respect wherever he went. This year his little family was again reduced by the death of his only daughter. Amidst these bereavements Mr. Fillmore did not lose his interest in political affairs, nor wholly renounce his hope of again becoming the favorite in the race for the White House. The following letter will, in a degree, show the tendencies of his thoughts at this time:—

“BUFFALO, NEW YORK, January 3, 1855.

“RESPECTED FRIEND ISAAC NEWTON,—It would give me great pleasure to accept your kind invitation to visit

Philadelphia, if it were possible to make my visit private, and limit it to a few personal friends whom I should be most happy to see. But I know that this would be out of my power; and I am, therefore, reluctantly compelled to decline your invitation, as I have done others to New York and Boston for the same reason.

"I return you many thanks for your information on the subject of politics. I am always happy to hear what is going forward; but, independently of the fact that I feel myself withdrawn from the political arena, I have been too much depressed in spirit to take an active part in the late elections. I contented myself with giving a silent vote for Mr. Ullman for governor.

"While, however, I am an inactive observer of public events, I am by no means an indifferent one; and I may say to you, in the frankness of private friendship, I have for a long time looked with dread and apprehension at the corrupting influence which the contest for the foreign vote is exciting upon our elections. This seems to result from its being banded together, and subject to the control of a few interested and selfish leaders. Hence, it has been a subject of bargain and sale, and each of the great political parties of the country has been bidding to obtain it; and, as usual in all such contests, the party which is most corrupt is most successful. The consequence is, that it is fast demoralizing the whole country; corrupting the very fountains of political power; and converting the ballot-box, that great palladium of our liberty, into an unmeaning mockery, where the rights of native-born citizens are voted away by those who blindly follow their mercenary and selfish leaders. The evidence of this is found not merely in the shameless chaffering for the foreign vote at every election, but in the large disproportion of offices which are now held by foreigners, at home and abroad, as compared with our native citizens. Where is the true-hearted American whose cheek does not tingle with shame and

mortification to see our highest and most coveted foreign missions filled by men of foreign birth, to the exclusion of native-born? Such appointments are a humiliating confession to the crowned heads of Europe that a republican soil does not produce sufficient talent to represent a republican nation at a monarchical court. I confess that it seems to me, with all due respect to others, that, as a general rule, our country should be governed by American-born citizens. Let us give to the oppressed of every country an asylum and a home in our happy land; give to all the benefits of equal laws and equal protection; but let us at the same time cherish as the apple of our eye the great principles of Constitutional liberty, which few who have not had the good fortune to be reared in a free country know how to appreciate, and still less how to preserve.

“Washington, in that inestimable legacy which he left to his country—his Farewell Address—has wisely warned us to beware of foreign influence as the most baneful foe of a Republican government. He saw it, to be sure, in a different light from that in which it now presents itself; but he knew that it would approach in all forms, and hence he cautioned us against the insidious wiles of its influence. Therefore, as well for our own sakes, to whom this invaluable inheritance of self-government has been left by our forefathers, as for the sake of the unborn millions who are to inherit this land—foreign and native—let us take warning of the Father of his Country, and do what we can to preserve our institutions from corruption, and our country from dishonor; but let this be done by the people themselves in their sovereign capacity, by making a proper discrimination in the selection of officers, and not by depriving any individual, native or foreign-born, of any Constitutional or legal right to which he is now entitled.

“These are my sentiments in brief; and although I

have sometimes almost despaired of my country, when I have witnessed the rapid strides of corruption, yet I think I perceive a gleam of hope in the future, and I now feel confident that, when the great mass of intelligence in this enlightened country is once fully aroused, and the danger manifested, it will fearlessly apply the remedy, and bring back the Government to the pure days of Washington's Administration. Finally, let us adopt the old Roman motto: "Never despair of the Republic." Let us do our duty, and trust in that Providence which has so signally watched over and preserved us, for the result. But I have said more than I intended, and much more than I should have said to any one but a trusted friend, as I have no desire to mingle in political strife. Remember me kindly to your family, and, believe me,

"I am truly yours,                      MILLARD FILLMORE."

In the Spring of 1855, Mr. Fillmore sailed for Europe, designing to extend his tour throughout the generally frequented parts of the Old World. In the company of several Americans, he traveled through England, Germany, Austria, France, and Italy, and from some temporary illness, was prevented visiting Egypt or any part of Asia. His reception was flattering, and especially did Queen Victoria, Louis Napoleon, and the Pope show him marked attention and respect. But things of more moment were transpiring at home, and in a way especially to demand Mr. Fillmore's consideration.

Nativism, or political Americanism, had its origin, it is claimed, in a desire to purify the ballot-box, and establish and maintain the highest possible standard of purity in Republican Government, and especially where the need of party integrity was least known, in



the elections and affairs of large cities. In 1834 this desire took shape in the municipal election of New York City, and a candidate for the mayoralty was brought out on the distinct ground of "ruling America by Americans." Although this was the first appearance of the question directly in party affairs, the feeling against municipal mismanagement was so great, and the evil largely being traced to the influence of the foreign element, that the Native candidate, Professor Morse, received a very respectable vote. Little more was heard of this new movement until 1840, when an attempt was made to draw a part of the public school-fund for the benefit of the Catholic Church schools. Two or three years subsequently the American party was reorganized in New York. In 1844 this new party elected the mayor and most of the other municipal officers in that city.

Some effort was now made to extend the American principles to other parts of the country, and notwithstanding the success was not inconsiderable, the whole matter went down, and was not revived until the appearance of Louis Kossuth here in 1851. This foreigner, with his turgid oratory, exaggerated manners, and erroneous theories, had actually been on the verge of changing the very honorable old policy of the Government; and when not successful, however, in that, he had turned his attention to the foreign elements in an effort to accomplish through them what he had not been able to do otherwise, or if not, at least lead them to embrace and pursue

principles repugnant to the genius and policy of this Government. No one had felt more keenly the contemptible conduct of Kossuth than President Fillmore.

Kossuth's secret circular, issued June 28, 1852, at New York, contains these words :—

“SIR,—I hope you have read already my German farewell speech, delivered June 23d, in the Tabernacle at New York, and also the resolution of the meeting, which was passed subsequently.

“I hope, further, that the impression which this matter has made upon both political parties has not escaped your attention.

“Indeed, it is not easy to be mistaken that the German citizens of America will have the casting vote in the coming election, if they are united in a joint direction upon the platform of the principles set forth in the speech before mentioned.

“They may decide upon the exterior policy of the next Administration of the United States, and with that the triumph or the fall of liberty in Europe.”

The following extracts are from his German speeches in New York, June 14th and 23d :—

“You are strong enough to effect the election of that candidate for the Presidency who gives the most attention to the European cause. I find that quite natural, because between both parties there is no difference as regards the internal policy, and because only by the inanity of the German citizens of this country the election will be such that, by and by, the Administration will turn their attention to other countries, and give every nation free scope. No tree, my German friends, falls with the first stroke ; it is therefore necessary that, inasmuch as you are citizens, and can command your votes, you support the candidate who will

pursue the external policy in our sense, and endeavor to effect that all nations become free and independent, such as is the case in happy America."

"*Resolved*, That, as American citizens, we will attach ourselves to the Democratic party, and will devote our strength to having a policy of intervention in America carried out.

"*Resolved*, That we expect that the candidate of the Democratic party will adopt the principles of this policy, which has been sanctioned by all distinguished statesmen of his party.

"*Resolved*, That we protest against the manner in which, heretofore, the Government of the United States has interpreted and applied the policy of neutrality, which is in violation of the spirit of the Constitution of the United States.

"*Resolved*, That we ask that every American citizen, not being attached to the soil, may support the strength of any other people in the sense as the juries have interpreted the principles of the American Constitution, and especially of the policy of neutrality."

The virtual dissolution of the Whig party in its last race in 1852 furnished an excellent field for recruiting, and the campaign of 1852 also supplied additional grounds, it was believed, for such a party organization. At all events, the American or Know-Nothing party grew rapidly from this time, and in the elections of 1854 and 1855 it carried some of the States, the local and State governments passing under the control of this new-fangled and short-lived organization.

Mr. Fillmore was exceedingly anxious to be elected President; and although after the race of

1856 he mainly withdrew from public gaze, he never, for years at least, abandoned the hope that by some stroke of good fortune he would again be borne into the White House. Old age and neglect finally dispelled this vain dream, the realization of which never had a shadow of probability after his Know-Nothing adventure. Mr. Fillmore had really started in politics as an Antimason, and was always unfriendly to secret organizations; and when now in 1855 he was formally connected with a Know-Nothing lodge in Buffalo, and became a "third degree" member of the "Sons of the Sires," his political opponents and critics accused him of inconsistency and such crimes, but on no very reputable grounds. The principles of the Know-Nothing party had been fully discussed and placed before the country before the time arrived for the general test of its strength in the field in 1856. The following statement of the principles, character, and purposes of this new party is taken from "The Sons of the Sires," a reputable Know-Nothing work published in 1855:—

"One of the leading dogmas of the new order is that Americans should rule America. A principle so easily understood requires but little illustration; yet, as it may wear an aspect of exclusiveness to some minds, it may not be inappropriate to offer a few considerations to show the justness of this article of their creed. Seeing that the Government was managed in many instances by persons of foreign birth, who were reared under influences widely different from those under which the American mind matures, they believe that those men can not sympathize with American interests, since they are not actuated by those sentiments which thrill the native bosom. To guard

our country against a maladministration of our laws, they hold the opinion that we shall most likely escape those evils that would militate against our prosperity, and be ruinous to our institutions, by elevating none but native born to official stations. That there is more or less danger in committing the Government into the hands of adopted citizens, and that sad consequences either immediately or remotely might be anticipated, is not an idea of recent growth. The framers of our Constitution did not regard it in harmony with our interests or safety to allow the eligibility of a foreigner to the Presidency of these United States. And if in the wisdom of those noble patriots it would be impolitic and perilous to the peace of our country to select one of foreign birth to fill the chair of State, may we not upon the same ground exclude them from all minor trusts? May we not urge the force of their example as an irresistible argument as touching all other offices? Granted that the responsibility may be less and the ability of doing mischief comparatively circumscribed in lower grades of office, still, if in the former there is reason to exclude them by a provisional act, there must be, though in a diminished degree, danger to trust them with any official stations.

“That this maxim of the American party has been violently assailed we are fully aware, but that the wisdom and soundness of this policy has been disproved we do not grant. Of plausible declamation and a show of misguided sympathy we have seen enough; but it is so common for men who have certain interests at stake to have their judgment clouded and warped by their passions, that charity constrains us to ascribe their efforts in favor of foreigners not to their good sense, but to a love of distinction. A conviction not hastily formed constrains us to believe that the justness of the principle can be demonstrated to the satisfaction of all candid minds. Wherein lies its injustice? There are only four sources from which the opposers of this new order have attempted to draw their arguments against this dogma. From the instincts of humanity, from the teachings of reason, from the example of other nations, and the early practice of our Government. The instincts of humanity only require us to afford them protection and to give them scope for the promotion of their happiness, and therefore



none of its impulses or laws are contravened by this principle. The dictates of reason are manifestly in favor of it; and the example of other nations amply sustains the views of the American party. There is no other nation so recreant to its interests as to allow aliens to bear a part in the administration of its government. Those indeed from whom our foreign population comes do not even allow an expression of opinion concerning their laws and institutions on the part of those who might wish to make their country a place of residence. Citizenship may not be obtained in many instances on any probation or at any price. And if there were no other ground upon which to defend the principle that Americans should rule America, the example of other nations would warrant the practice of this precautionary measure.

“Another dogma of the new order is, to protect American interests. It is an ancient maxim, ‘First be just before you are generous.’ This maxim applies here with peculiar force: Americans owe duties to themselves in an individual as well as in a collective capacity, which they are bound by every dictate of reason to discharge before they seek other objects upon whom to bestow their generosity. The first great duty is to preserve our glorious institutions in their purity. We are bound to transmit them to our posterity as we received them, untarnished and uncorrupted. If we do not guard them, who will? If Americans do not exercise ‘eternal vigilance, which is the price of liberty,’ who will do it for us? It is equally obvious, that in order to retain them as they are, the same influences, civil and moral, which have molded the American character and made it what it is, must be kept alive and exerted upon the rising generation. What are these? Chiefly those connected with our educational institutions. Is there any danger that these influences may be weakened or counteracted? Most assuredly. And pray what or who would war against things so sacred, and so vitally associated with our very existence? I reply, The papacy, French infidelity, German skepticism, and socialism have formed a tremendous combination against these very interests. Our revolutionary sires held that the Bible, the Sabbath, and the common schools were the strong bulwarks of our national freedom and prosperity.

“Whatever denominational distinctions may exist, the Nation can not live and prosper without the Bible and the Sabbath. Look where you will, you will see that where no Sabbath recalls men from the cares and agitations of worldly pursuits, immorality and vice abound; and where no Bible restrains, a moral blight and mildew settle down upon the energies of a nation.

“The experiment of France to live without the Bible, without the Sabbath, and without God, was most disastrous in its consequences. Behold Spain, Portugal, Italy, Mexico, all melancholy examples of national imbecility and oppression; all marked by the most abject moral and social degradation; and these are the legitimate fruits of banishing the Bible and abrogating the laws of the Sabbath. . . .

“Another principle of the new order is, No union of Church and State. Their opponents have, either ignorantly or designedly, grossly misrepresented them. The cry of proscription for conscience’ sake is the figment of disordered brains and lacerated hopes, and is supposed to be efficacious in bringing back those who have passed from the old ranks. Proscription—bah! when a fundamental principle enunciated is, *No union between Church and State*. They will cherish both, but will not suffer an amalgamation.

Things were tending in that direction so palpably, as to call up the American party to stem the tide, and roll back the current of sympathy which was bearing our political leaders and our precious interests to the unfathomable bosom of Holy Mother Rome. That power, ever ready for self-aggrandizement, looked with a wistful eye to the dominion of this broad land. The Mississippi Valley would have made more than a second Italy. It would have been a magnificent seat for the Sovereign Pontiff, and then it would have been not only far more beautiful and extensive than the States now subject to the triple crown, but it would have yielded such handsome revenues. The Pope of Rome could have made it quite convenient to shift the seat of his dominion from the Seven Hills to that broad valley, seeing that he would not have broken the hearts of his people by leaving them. And though danger, perhaps disaster, might have befallen that venerable relic, the Chair of St. Peter, in its

transit over the water, or like Peter himself, might have gone down into the waves, yet as he professes to be invested with the attributes of Deity, he might have commanded the sea to yield up the treasure. And then, too, that noble stream—the Father of Rivers—would, in point of majesty, have accorded much better with the boasted extent and magnificence of the Catholic Church, while it might have been a practical illustration by the filth gathered, from afar and near, of the corruption of that mammoth mother of pollution. And while it would have been much more convenient for Arch John to go for his red cap, it would have been in all respects rather a desirable change from the narrow limits of the present papal sovereignty, to the possession of a country washed by the Atlantic and Pacific and filled with invaluable treasures. . . .

“There are in all wisely constituted governments some elementary principles which are permanent and admit of no change, while there are laws and regulations which are not immutable, but must undergo modifications to suit the necessities of the age, or the advanced condition of the nation. And while we regard the principles which make this land a home for the oppressed, as immutably fixed and perpetual elements in the charter of liberty, we resolutely maintain that the laws relating to citizenship must in the very nature of things be subject to such reformatations as the emergencies which do arise may dictate, as best suited to promote our prosperity and happiness. It is as clear as a sunbeam to a large majority of the people of this country, that the time has fully come when the safety, the peace, and the perpetuity of this Union demand the change already indicated.

“There are persons who object to a change in these statutes on the ground that it would be unjust and oppressive to the better class of immigrants, to exclude them for a long period from the rights of citizenship, because some of their number are in an unfit state for such privileges. To this objection I reply that it is not oppressive or unjust to guard the rights and blessings of the whole even if such a measure would in some instances seem to aggrieve the individual. It is the duty of every member of this commonwealth of freemen, whether fully invested or not with the prerogatives of a citizen, to sacrifice

his personal good for the good of the public, if the case is such that one or the other must suffer.

“If, therefore, the objection were founded in fact, the individual himself so aggrieved would by his complaint clearly establish his unfitness for the privilege for which he contends, because he is destitute of patriotism if he is unwilling to surrender what he conceives a personal benefit, for the greater advantage of the public. But the objection is destitute of truth. What claim has a foreigner upon our Government? None whatever, except those of humanity or such as international law gives him. But who would have the presumption to maintain that the instincts of humanity make it the duty of Government to invest him with all the immunities of citizenship, before the judgment of the Nation should pronounce him qualified? The obligations which humanity imposes are more than met and discharged when we give him a place and a habitation, and extend over his person and his property the shield of our laws, that he may be secure in all his interests as a man. In many instances these men never enjoyed the right of suffrage in their native land, and hence there can be no sacrifice on their part if denied the privilege of voting for a long term of years, because they never were in possession of the right anywhere, and therefore could not surrender it. . . .

“The American party is denounced as fostering hostility to foreigners. This assertion is often presented under such colorings and with such statements of facts as, when examined, are not facts, that an air of plausibility is thrown over the portraiture drawn by the disordered fancy of its opposers. But where is the evidence that the new party is enkindling and fostering hostile feelings against foreigners? O, it is palpable, because you will not allow them to hold office; you proscribe them for their religion, because you would exclude Catholics from official trusts. With such premises, we are not surprised at their conclusions, for the former are as barren of intelligence as the latter are destitute of logic. Could you conceive of a more indefensible and absurd assumption than that I am hostile to a citizen and prejudice others against him because I do not conceive him qualified to legislate or rule, and therefore would not consent to his elevation to an official position?



There could not be a more stupid assertion. Upon the same ground, it must then be maintained that whoever is not possessed of the needful qualifications to make or administer law, and therefore not placed in a responsible office, becomes an object of distrust and hate on the part of those who withhold from him their suffrages; so that, if you regard an Irishman or German a useful citizen, because he has strength to dig canals and construct railroads, or because this one is a mechanic and that one a farmer or merchant, and contributes to the general good by pursuing that vocation for which he is fitted; but if you do not nominate and elect him to some office, you are fostering hostile feelings against him, and all other classes under like circumstances. . . .

“Another objection offered against the American party is its alleged tendency to stir up persecution against the Catholics. It would appear somewhat singular that such a charge should gain currency even among Catholics, who have had so many evidences of the sleepless jealousy with which the American people guard religious freedom, did we not know something of the cunning and treachery which are put in requisition whenever their fortunes are waning. The cry of persecution has so often been raised to create sympathy for suspicious parties, that it may have been deemed very useful, at this time, for them. That they really apprehend such an evil is as idle as the wind. When and where have they been persecuted? On what occasion has the American party proclaimed such a determination? Who does not know that during the excitements which attended the street-preaching in New York and elsewhere these men protected the freedom of speech? Though not sympathizing with these misguided fanatics, they defended them in what they conceived to be the privilege of American citizens. Dr. Duff, in his account of those scenes, says: ‘There were persons in the crowd disposed to molest these preachers; but in that crowd were also mixed up “Know-Nothings.” Well, the Protestant man went on expounding popery, while the papists, as usual, began to hoot. Suddenly every papist got a firm thwack on the side of the head, with the most thorough American gravity, coupled with such words as these: “Sir, this is a free country; every man is entitled to speak;



and, sir, when the man is done, if you want to answer him, we will see to it that you get justice.” This is their uniform course; and they would just as certainly protect a Catholic in his right of speech as they would a Protestant. Knowing these facts, it is somewhat singular that their opponents will continue to circulate this slander. But it indicates to what extremities they are driven; for it is invariably a sign of the weakness of a cause when true issues are avoided and men attempt to manufacture sympathy by the cry of persecution. Let them bring forth their strong reasons; let them show up the odious character of this new order, if it is such an abhorrent thing. Let them grapple with the dogmas of the new creed, and, by clear, cogent reasoning, establish that viciousness of these doctrines of which they complain so much, and if it be successfully proved that these principles contravene the genius of our institutions, and conflict with the rights of the humblest, this organization will of itself fall to pieces; for nothing unworthy will be sustained by the people. But here lies the great difficulty; they can not substantiate their charges. They dare not meet the American party in open field, nor fight it with honorable weapons; it is the guerrilla warfare which is waged against the new order.

“While it is proper here to avow the utter abhorrence with which all true Americans look upon the persecution of any sect or religious denomination, they are determined to guard against such a contingency in any case. They will not persecute Catholics, but they will take care that the Catholics do not persecute Protestants. That the Romish Church would become intolerant if she had the power to dictate our civil and religious laws, there can be but one opinion. If true to her instincts, and consistent with her doctrines, she *must* persecute and destroy where she can command the necessary power. There may be no immediate possibility to have every thing in her own way, but that she aims at supremacy is an undoubted fact. Men may ridicule the thought of danger, and ascribe such generosity and liberality to the Papists as to believe that, even if they had the power, they would not oppress those who reject her authority; but then the records of the past are fiction. Such a supposition is at variance with the

entire history of that Church, and would subvert her entire structure; for it is held as one of the boasted prerogatives of Catholicity that Rome is unchangeable—in spirit, in doctrine, and in practice; that as she claims infallibility, so is she also unchangeable in her teachings and usages. Like the laws of the Medes and Persians, according to her own showing, she changes not.”

Thus it may be seen that the main grounds for the existence of the American party, and the chief elements that held it together, were opposition to foreign influence and interference in the political affairs of this country; the purification of the elections and local governments, by withholding for an extended period the franchise from foreign emigrants who had never exercised it, or who were unacquainted with the political character of this Republic, or who were imbued with foreign sentiments incongenial to the nature of the Government and the spirit of the people; and opposition to the least intermeddling of Church with politics, or the domination or appearance of Roman Catholicism in party and governmental affairs. At the outset it had been merely a secret order, but this feature of its early organization had mainly or wholly disappeared, and it now embraced men from all parties and appealed to the country for the sake of its principles and purposes. On the issues that divided the old organizations this new party was also divided. It had been mainly liberal and conservative, and had, therefore, gathered strength from all sources, presenting issues which no party had been willing or brave enough to avow. While it is practically true

that the American party was of recent origination, in its feature of opposition to the influence of foreign notions, to the control of affairs by foreign-born people, and the participation of foreign governments in the affairs of this country and continent, it had in some shape always existed.

During the Administrations of Washington and John Adams the country was flooded with refugees from England and France, and, indeed, from the general European turmoil. Some of them were exiles, and most of them were full of hatred toward the governments under which they had lived. These discontented and reckless people clamored for this Government to interfere in foreign affairs according to their plans and desires, and so threatened the peace and welfare of the country by their machinations as to call out the power of the Government against them. And even the representatives of what was called republican France, in a most wonderful and disreputable manner, attempted to force this Nation into foreign complications. In its own defense the Administration became exceedingly watchful of foreign influences, and the Federalists looked with suspicion upon the increase of foreign-born citizenship. With them and their political successors, perhaps, this feeling had never died out up to the time of the appearance of the Know-Nothing party, nor, indeed, has it yet ceased to exist.

During the Presidency of John Adams, Congress passed an act requiring a foreigner to reside here fourteen years before he could become a citizen and

voter. The Democrats opposed these naturalization measures, and, to a great extent, sympathized with the revolutionary tendencies and political pretensions of the vast foreign element which, from every cause, was cast upon this country; and for this, as well as other reasons, the great bulk of the foreign population, at all times, has swelled the ranks of that party. Under the Administration of Mr. Jefferson, an old-time Democrat, the naturalization laws were again changed, the time of probation being fixed at five years, this act still remaining in force. The conduct of Citizen Genet and his sympathizers under Washington and the elder Adams, and of Louis Kosuth under Millard Fillmore, presents one of the best apologies for the Native American party. The Roman Catholic feature was less fortunate, and served more than all else to make the organization of short duration. But the platform was politic on this point.

On the 19th of February, 1856, the National Council of Know-Nothings, with delegates from nearly all the States, convened at Philadelphia in special session, to consider the character of the platform, and other matters to be presented to the nominating convention. The meeting was stormy, and continued three days, most of the time being occupied in the formation of a platform.

#### AMERICAN PLATFORM.

"1. An humble acknowledgment to the Supreme Being, for his protecting care vouchsafed to our fathers in their successful Revolutionary struggle, and hitherto manifested

to us, their descendants, in the preservation of the liberties, the independence, and the union of these States.

"2. The perpetuation of the Federal Union and Constitution, as the palladium of our civil and religious liberties, and the only sure bulwarks of American Independence.

"3. *Americans must rule America*; and to this end native-born citizens should be selected for all State, Federal, and municipal offices of government employment, in preference to all others. *Nevertheless,*

"4. Persons born of American parents residing temporarily abroad, should be entitled to all the rights of native-born citizens.

"5. No person should be selected for political station (whether of native or foreign birth), who recognizes any allegiance or obligation of any description to any foreign prince, potentate, or power, or who refuses to recognize the Federal and State Constitutions (each within its sphere), as paramount to all other laws, as rules of political action.

"6. The unqualified recognition and maintenance of the reserved rights of the several States, and the cultivation of harmony and fraternal good-will between the citizens of the several States, and to this end, non-interference by Congress with questions appertaining solely to the individual States, and non-intervention by each State with the affairs of any other State.

"7. The recognition of the right of native-born and naturalized citizens of the United States, permanently residing in any Territory thereof, to frame their Constitution and laws, and to regulate their domestic and social affairs in their own mode, subject only to the provisions of the Federal Constitution, with the privilege of admission into the Union whenever they have the requisite population for one Representative in Congress: *Provided, always,* that none but those who are citizens of the United States, under the Constitution and laws thereof, and who



have a fixed residence in any such Territory, ought to participate in the formation of the Constitution, or in the enactment of laws for said Territory or State.

“8. An enforcement of the principles that no State or Territory ought to admit others than citizens to the right of suffrage, or of holding political offices of the United States.

“9. A change in the laws of naturalization, making a continued residence of twenty-one years, of all not heretofore provided for, an indispensable requisite for citizenship hereafter, and excluding all paupers, and persons convicted of crime, from landing upon our shores; but no interference with the vested rights of foreigners.

“10. Opposition to any union between Church and State; no interference with religious faith or worship, and no test oaths for office.

“11. Free and thorough investigation into any and all alleged abuses of public functionaries, and a strict economy in public expenditures.

“12. The maintenance and enforcement of all laws Constitutionally enacted until said laws shall be repealed, or shall be declared null and void by competent judicial authority.

“13. Opposition to the reckless and unwise policy of the present Administration in the general management of our national affairs, and more especially as shown in removing ‘Americans’ (by designation) and Conservatives in principle, from office, and placing foreigners and Ultraists in their places; as shown in a truckling subserviency to the stronger, and an insolent and cowardly bravado toward the weaker powers; as shown in reopening sectional agitation, by the repeal of the Missouri Compromise; as shown in granting to unnaturalized foreigners the right of suffrage in Kansas and Nebraska; as shown in its vacillating course on the Kansas and Nebraska question; as shown in the corruptions which pervade some

of the Departments of the Government ; as shown in disgracing meritorious naval officers through prejudice or caprice ; and as shown in the blundering mismanagement of our foreign relations.

“ 14. Therefore, to remedy existing evils, and prevent the disastrous consequences otherwise resulting therefrom, we would build up the ‘American Party’ upon the principles hereinbefore stated.

“ 15. That each State Council shall have authority to amend their several constitutions, so as to abolish the several degrees, and substitute a pledge of honor, instead of other obligations, for fellowship and admission into the party.

“ 16. A free and open discussion of all political principles embraced in our platform.”

On the 22d of February, the day after this platform was adopted in the Council, the nominating convention met in the same place, with two hundred and twenty-seven delegates, all the States being represented, except South Carolina, Georgia, Maine, and Vermont. Ephraim Marsh, of New Jersey, was chosen chairman, and the inharmonious work of the convention was begun. Some time was consumed in disposing of cases of contested seats, but the greatest heat was exhibited in discussing the question as to the power of the American National Council to prepare and put upon the convention a platform which it would be obliged to respect. Finally a resolution was introduced denying such power, and declaring that the convention would not nominate candidates who would not favor the exclusion of slavery north of 36° 30'. But this resolution was laid on the table, by a vote of one hundred and forty-

one to fifty-nine. But this general result was so offensive to the anti-slavery delegates, that about fifty of them withdrew, and most of them went into the new Republican party, giving their support to John C. Fremont. A ballot was then taken for President, with this result : M. Fillmore, 71 ; George Law, 27 ; Garrett Davis, 13 ; John McLean, 7 ; R. F. Stockton, 8 ; Sam Houston, 6 ; John Bell, 5 ; Kenneth Raynor, 2 ; Erastus Brooks, 2 ; Lewis D. Campbell, 1 ; and John M. Clayton, 1.

The second and final ballot was then taken, and stood : Fillmore, 179 ; Law, 24 ; Raynor, 14 ; McLean, 13 ; Davis, 10 ; Houston, 3. Mr. Fillmore was then declared to be the nominee for the Presidency, and a ballot taken at once for the second place, as follows : A. J. Donelson, of Tennessee, 181 ; Percy Walker, of Alabama, 8 ; Henry J. Gardner, of Massachusetts, 8 ; Kenneth Raynor, of South Carolina, 8. Andrew Jackson Donelson was then declared to be the nominee of the convention for the Vice-Presidency. Thus, on the 25th of February, ended this first and last Know-Nothing or Native American National Nominating Convention.

On the 17th of September, 1856, the weak Whigs met in convention in Baltimore. Edward Bates was chosen chairman, and the convention adopted the Native American or Know-Nothing nominees, and adjourned after adopting this their last

#### PLATFORM.

*“ Resolved, That the Whigs of the United States, now here assembled, hereby declare their reverence for the*

Constitution of the United States, their unalterable attachment to the National Union, and a fixed determination to do all in their power to preserve them for themselves and their posterity. They have no new principles to announce; no new platform to establish; but are content to broadly rest, where their fathers rested, upon the Constitution of the United States, wishing no safer guide, no higher law.

*Resolved*, That we regard with the deepest interest and anxiety the present disordered condition of our national affairs; a portion of the country ravaged by civil war, large sections of our population embittered by mutual recriminations; and we distinctly trace these calamities to the culpable neglect of duty by the present National Administration.

*Resolved*, That the Government of the United States was formed by the conjunction in political unity of widespread geographical sections materially differing, not only in climate and products, but in social and domestic institutions; and that any cause that shall permanently array the different sections of the Union in political hostility, and organized parties founded only on geographical distinctions, must inevitably prove fatal to a continuance of the National Union.

*Resolved*, That the Whigs of the United States declare, as a fundamental article of political faith, an absolute necessity for avoiding geographical parties. The danger, so clearly discerned by the Father of his Country, has now become fearfully apparent in the agitation now convulsing the Nation, and must be arrested at once if we would preserve our Constitution and our Union from dismemberment, and the name of America from being blotted out from the family of civilized nations.

*Resolved*, That all who revere the Constitution and the Union must look with alarm at the parties in the field in the present Presidential campaign—one claiming only

to represent sixteen Northern States, and the other appealing mainly to the passions and prejudices of the Southern States; that the success of either faction must add fuel to the flame which now threatens to wrap our dearest interests in a common ruin.

*“Resolved,* That the only remedy for an evil so appalling is to support a candidate pledged to neither of the geographical sections now arrayed in political antagonism, but holding both in a just and equal regard. We congratulate the friends of the Union that such a candidate exists in Millard Fillmore.

*“Resolved,* That, without adopting or referring to the peculiar doctrines of the party which has already selected Mr. Fillmore as a candidate, we look to him as a well-tried and faithful friend of the Constitution and the Union, eminent alike for his wisdom and firmness, for his justice and moderation in our foreign relations, for his calm and pacific temperament, so well becoming the head of a great nation, for his devotion to the Constitution in its true spirit, his inflexibility in executing the laws; but, beyond all these attributes, in possessing the one transcendent merit of being a representative of neither of the two sectional parties now struggling for political supremacy.

*“Resolved,* That in the present exigency of political affairs, we are not called upon to discuss the subordinate questions of administration in the exercising of the Constitutional powers of the Government. It is enough to know that civil war is raging, and that the Union is in peril; and we proclaim the conviction that the restoration of Mr. Fillmore to the Presidency will furnish the best, if not the only, means of restoring peace.”



## CHAPTER XIX.

ORGANIZATION OF THE NEW REPUBLICAN PARTY—PREPARATORY ADDRESS TO THE PEOPLE—FIRST REPUBLICAN CONVENTION — NOMINATIONS — PLATFORM — FREMONT'S LETTERS OF ACCEPTANCE.

ON the 22d of February, 1856, a large number of delegates, representing all the Free States and some of the Slave States, met in convention at Pittsburgh, to take into consideration the organization of the "Republican Party," for the purpose of counteracting what was claimed to be the erroneous and dangerous tendencies in the administration of public affairs. This convention acted harmoniously and without delay, but without doing more than to issue an elaborate address to the people of the country, and summon them to send delegates "in numbers three times as large as your representation in Congress, to meet in convention at Philadelphia, on the 17th day of June next, to nominate candidates for the Presidency and Vice-Presidency of the United States."

This address set forth the principles of the Convention, and the purposes to be promoted by the proposed organization. It declared unalterable devotion to the Constitution, the ends for which it was framed, and the means provided for their attainment; that the powers the Constitution conferred on the

Government are sufficient for the accomplishment of all its objects; that the great inviolable rights granted by the Constitution, such as freedom of speech, freedom of the press, religious liberty, right of assembly and petition, trial by jury, personal liberty, and the *habeas corpus*, should be respected and maintained; that the requirements of the Constitution and the laws enacted under it should be obeyed; and that in every emergency the supremacy of its authority should be upheld. In the next place the address declares ardent attachment to the Union; a determination to protect and defend it against all its enemies; against the recognition of sectional interests, local preferences, and geographical lines in considering the good and safety of the Union; and the rights and privileges claimed by the Convention were equally granted to all other citizens of the country. The address then says:—

“Holding these opinions, and animated by these sentiments, we declare our conviction that the Government of the United States is not administered in accordance with the Constitution, or for the preservation and prosperity of the American Union; but that its powers are systematically wielded for the promotion and extension of the interests of slavery, in direct hostility to the letter and spirit of the Constitution, in flagrant disregard of other great interests of the country, and in open contempt of the public sentiment of the American people and of the Christian world. We proclaim our belief that the policy which has for years past been adopted in the administration of the General Government tends to the utter subversion of each of the great ends for which the Constitution was established, and that unless it shall be arrested by

the prompt interposition of the people, the hold of the Union upon their loyalty and affection will be relaxed, the domestic tranquillity will be disturbed, and all Constitutional securities for the blessings of liberty to ourselves and our posterity will be destroyed. The slaveholding interest can not be made permanently paramount in the General Government without involving consequences fatal to free institutions. We acknowledge that it is large and powerful; that in the States where it exists it is entitled under the Constitution, like all other local interests, to immunity from interference of the General Government; and that it must necessarily exercise, through its representatives, a considerable share of political power. But there is nothing in its position, as there is certainly nothing in its character, to sustain the supremacy which it seeks to establish. There is not a State in the Union in which the slaveholders number one-tenth part of the free white population, nor in the aggregate do they number one-fiftieth part of the white population of the United States. The annual productions of the other classes in the Union far exceed the total value of all the slaves. To say nothing, therefore, of the question of natural justice and of political economy which slavery involves, neither its magnitude, nor the numbers of those by whom it is represented, entitle it to one-tenth part of the political powers conferred upon the Federal Government by the Constitution. Yet we see it seeking, and at this moment wielding, all the functions of the Government, executive, legislative, and judicial, and using them for the augmentation of its powers and the establishment of its ascendancy. From this ascendancy the principles of the Constitution, the rights of the several States, the safety of the Union, and the welfare of the people of the United States, demand that it should be dislodged."

The address then reviews the slavery issue from 1841 to 1856, denying the conclusions of the friends

of slavery as to the rights of the institution in the Territories, and the rights of Congress to legislate concerning it there; and firmly reasserting the principle of the Constitution that "Congress shall have power to make all needful rules and regulations respecting the territories or other property of the United States."

In discussing this whole question the address denied that the Constitution established or recognized the right of property in slaves. It also denied that the doctrine of "popular sovereignty" in the people of the Territories found any warrant or support in the Constitution; and declared that Congress is sovereign there by positive provision of the Constitution to control and make laws for the welfare of the Territories, as well as the country at large. It was also declared that the people are sovereign, indeed, over all the Territories and all the States; but that their sovereignty is limited by Constitutional provisions and definitions; that the people are sovereign in the House of Representatives, but their sovereignty might be overruled in the Senate or by the Executive veto; that the States are sovereign, but only within certain limits, and in subordination to the sovereignty of the Nation; that two sovereignties could not exist over the same thing, and that the Constitution had sufficiently distinguished and provided for these things. The address then continues:—

"This whole system of doctrine by which slavery seeks possession of the Territories of the United States, either by asserting the sovereignty of their inhabitants, or

by denying the power of Congress to exclude and prohibit slavery from them, is novel and alien to the principles and administration of our Government. Congress has always asserted and exercised the right of prohibition. . . .

“In all these successive acts, in the admission of Missouri and of Arkansas, in the annexation of Texas and the provision for admitting four new States from her territory, in the war with Mexico and the conquest of her provinces, in the repeal of the Missouri Compromise, and in the cruel war now waged against the people of Kansas for the extension of slavery into that Territory, we trace the footsteps of a powerful interest aiming at absolute political power, and striding on to a complete ascendancy over the General Government. It finds powerful allies and an open field in the political arena for the prosecution of its purposes. Always acting as a compact unit, it finds its opponents divided by a variety of interests. Partisan alliances and personal ambitions have hitherto prevented any union against its aggressions, and not feeling or fearing the displeasure of their constituents, Representatives from the Free States have been induced to aid in the promotion of its designs. All other interests have been compelled to give way before it. The representatives of freedom on the floors of Congress have been treated with contumely, if they resist or question the right to supremacy of the slaveholding class. . . . The Executive of the Nation is the willing servant of its behests, and sacrifices to its favor the rights and the interests of other sections of the country. The purse and the sword of the Nation are at its command. A hundred millions of dollars were expended in the annexation of Texas, and the war with Mexico, which was part of its price. Two hundred (one hundred and twenty) millions have been offered for Cuba, and war with all Europe is threatened, if necessary, to prevent the emancipation of its slaves. Thus is the decision of great questions of public policy touching vast



interests and vital rights, questions even of peace and of war, made to turn, not upon the requirements of justice and of honor, but upon its relation to the subject of slavery, upon the effect it will have upon the interests of the slaveholding class. . . .

“The people of the Free States have feared the effect of agitation on this subject, have relied upon the good faith and honor of the slaveholding States, and believed that time, the natural growth of population, and the recognized laws of political and social economy, would gradually and peacefully work out the extinction of a system so opposed to justice and the national character and welfare. It has seemed to them incredible that in this late age, when Christianity has for nearly two thousand years been filling the world with its light, and when almost every nation on earth but our own has abolished chattel slavery, the effort should be made or the wish cherished, by any portion of our people, to make the interest of slavery predominant, and to convert this Republic, the only government which professes to be founded upon human rights, into the mightiest slave empire the world has ever seen. But it is impossible to deceive ourselves longer. The events of the past two years have disclosed the designs of the slave power and the desperate means it is prepared to use for its accomplishment. We can not shut our eyes longer to the fact that the slaveholding interest is determined to counteract the tendencies of the time and of civilization, by its own energy, by its bold appropriation of all the powers and energies of the Government, and by the violation, if need be, of the most sacred compacts and compromises. It is resolved that slavery shall be under the protection of the national flag, that it shall no longer be the creature of local law, but that it shall stand clothed with all the sanctions, and sustained by all the power of this great Republic. It is determined that the President shall do its bidding, and

that Congress shall legislate according to its decrees. It is resolved upon the dethronement of the principles of republicanism, and the establishment in their stead of an oligarchy, bound together by a common interest in the ownership of slaves. Nor have we any reason to believe that slavery will be content with this absolute supremacy over the Federal Government, which it has already so well-nigh achieved. On the contrary, the dark shadow of its scepter falls upon the sovereignty of the several States, and menaces them with dire disaster. South Carolina, abandoning her once cherished doctrine of State Rights, asserts the federal supremacy over laws made by States exclusively for the protection of their citizens. The State of Virginia is contesting in courts of law the rights of the State of New York to forbid the existence of slavery within her limits. A federal court in Pennsylvania has denied the right of that State to decree freedom to slaves brought by their masters within her borders, and has proclaimed that slavery exists by the law of nations. The division of California, and the organization of a Slave State within her limits, have been proposed. A Senator on the floor of Congress has demanded the restoration of the African slave-trade, and the demand is repeated by Southern journals, and by leading public men in the Southern States.

“When these great objects shall have been accomplished; when the States, as well as the General Government, shall have become subject to the law of slavery; and when three hundred and fifty thousand slaveholders shall hold despotic rule over the millions of this Republic, slavery can not fail, from the necessity of its nature, to attempt outrages which will awaken storms that will sweep it in carnage from the face of the earth. The longer tyranny is practiced unresisted, the fiercer and more dreadful is the resistance which in the end it provokes. History is full of instances to prove that nothing is so

dangerous as a wrong long unredressed ; that evils, which at the outset it would have been easy to remove, by sufferance, become fatal to those through whose indifference and toleration they have increased. . . .

“ The time draws nigh, fellow-countrymen, when you will be called on to decide upon the policy and the principles of the General Government. Your votes at the approaching Presidential election will determine whether slavery shall continue to be the paramount and controlling influence in the Federal Administration, or whether other rights and other interests shall resume the degree of consideration to which they are entitled. The issue is upon us by no act of ours, and it can not be evaded. Under a profound conviction of impending dangers, the grounds whereof we have now set forth, we call upon you to deliver the Constitution and the Union from the subjugation which threatens both. . . .

“ Let your delegates come prepared to surrender all personal preferences, and all sectional and local views, resolved only to make such nominations and to take such action as shall advance the principles we hold and the purposes we seek to promote. Disclaiming any intention to interfere with slavery in the States where it exists, or to invalidate those portions of the Constitution by which it is removed from the national control, let us prevent the increase of its political power, preserve the General Government from its ascendancy, bring back its administration to the principles and practice of its wise and illustrious founders, and thus vindicate the Constitution and the Union, and secure the blessings of liberty to ourselves and our posterity.”

Although this address in a few instances strikes out of the line, it is calm and dignified in its general tone, is plain, direct, and manly in its statements, and is by far the most consequential public paper

ever put forth in this country against slavery. Its two great principles were the subordination of the slave power in the affairs of the Government, and the absolute prevention of the increase of slave territory. It is devoid of the old Abolitionist spirit and phraseology, and is the most remarkable paper, as well perhaps as the most deserving of public enthusiasm, of any ever issued by a political organization in the United States.

Here had arisen a power for the first time in the history of the Nation which was worthy of general respect; which boldly and directly assailed the institution to which all parties but a mere underground faction had hitherto bowed in silence or courted in selfish subserviency. The moral spectacle is a grand one. Blind passion had no place in the convention or in its address to the people. Moderation and justice guided the determined spirit which now arose in the way of slavery. This was the first authoritative utterance at the beginning of the new era, and there was no mistaking its true import and influence.

According to this call the Republican, or People's, Convention met in Music Fund Hall, Philadelphia, June 17, 1856, at ten o'clock A. M. E. D. Morgan, of New York, in a short speech nominated Robert Emmet for temporary chairman. Mr. Emmet, who had of course been a Democrat, was received with great warmth, and after a very neat speech took the chair. The Rev. Albert Barnes, of Philadelphia, made a short prayer. The ordinary committees were



appointed, and the convention adjourned to reassemble at four o'clock in the afternoon.

The permanent organization was now effected, with Henry S. Lane, of Indiana, as president. Lane made a brief speech, and the evening was occupied on the subject of credentials, etc., a part of the seats of Pennsylvania delegates being contested. At half-past ten on Wednesday morning the convention again assembled with Lane in the chair. David Wilmot, of Pennsylvania, chairman of the Committee on Resolutions, announced the platform, which was received without discussion except the last resolution, Mr. Thaddeus Stevens believing that the wording of this resolution would alone defeat the party.

At 5 P. M. the convention met after a recess, and the first informal ballot was taken for President, with the following result: Three hundred and fifty-nine for Fremont, one hundred and ninety-six for Judge John McLean, and New York gave two votes for Charles Sumner, one for Wm. H. Seward, and one for N. P. Banks. By States the vote stood: New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Michigan, Wisconsin, Iowa, Kansas, Kentucky, and California undivided for Fremont; Delaware, Minnesota, and Nebraska undivided for McLean; and the vote of the other States was divided. Virginia and the District of Columbia declined. On the next, or first formal ballot, Fremont received all the votes but twenty-three from Pennsylvania and fourteen from Ohio for McLean, and one from Pennsylvania for Seward, Virginia still not



voting, because she was not allowed to cast forty-five votes when her delegation was not full. The nomination of Fremont was now made unanimous, and the convention adjourned.

At ten o'clock on the 19th the convention again met, and, in an informal ballot for Vice-President, there was presented this result: William L. Dayton, 259; David Wilmot, 43; Abraham Lincoln, 110; Thomas Ford, 7; Charles Sumner, 35; Cassius M. Clay, 4; Jacob Collamar, 15; Joshua R. Giddings, 2; W. F. Johnston, 2; N. P. Banks, 46; A. C. M. Pennington, 1; Henry Wilson, 5; John A. King, 9; Henry C. Carey, 3; and S. C. Pomeroy, 8 votes.

On the next ballot all the votes were cast for Dayton but thirty-one, and they were changed to him to make the nomination unanimous.

Representatives were present in this convention from Virginia, Maryland Kentucky, Delaware, and the District of Columbia. There was at first exhibited considerable opposition to Fremont, and many delegates who had fixed upon Seward, Chase, Banks, and Sumner were strongly inclined to hold to their men, but all opposition finally gave way to the general desire for quick, harmonious action.

The following is the platform, briefly, clearly, and boldly setting forth the principles of the new party, and declaring the issue with slavery:—

#### FIRST REPUBLICAN PLATFORM.

“This convention of delegates assembled in pursuance of a call addressed to the people of the United States, without regard to past political differences or divisions, who are

opposed to the repeal of the Missouri Compromise, to the policy of the present Administration, to the extension of slavery into free territory, in favor of admitting Kansas as a Free State, of restoring the action of the Federal Government to the principles of Washington and Jefferson, and who purpose to unite in presenting candidates for the offices of President and Vice-President, do resolve as follows:—

“1. That the maintenance of the principles promulgated in the Declaration of Independence and embodied in the Federal Constitution is essential to the preservation of our republican institutions, and that the Federal Constitution, the rights of the States, and the Union of the States shall be preserved; that, with our republican fathers, we hold it to be a self-evident truth that all men are endowed with the inalienable rights to life, liberty, and the pursuit of happiness, and that the primary object and ulterior design of our Federal Government were to secure these rights to all persons within its exclusive jurisdiction; that, as our republican fathers, when they had abolished slavery in all our national territory, ordained that no person should be deprived of life, liberty, or property without due process of law, it becomes our duty to maintain this provision of the Constitution against all attempts to violate it for the purpose of establishing slavery in the United States, by positive legislation prohibiting its existence or extension therein; that we deny the authority of Congress, of a Territorial Legislature, of any individual or association of individuals, to give legal existence to slavery in any Territory of the United States while the present Constitution shall be maintained.

“2. That the Constitution confers upon Congress sovereign power over the Territories of the United States for their government, and that in the exercise of this power it is both the right and the duty of Congress to prohibit in the Territories those twin relics of barbarism, polygamy and slavery.

“3. That while the Constitution of the United States was ordained and established by the people ‘in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty,’ and contains ample provisions for the protection of the life, liberty, and property of every citizen, the dearest Constitutional rights of the people of Kansas have been fraudulently and violently taken from them; their territory has been invaded by an armed force; spurious and pretended legislative, judicial, and executive officers have been set over them, by whose usurped authority, sustained by the military power of the Government, tyrannical and unconstitutional laws have been enacted and enforced; the right of the people to keep and bear arms has been infringed; test-oaths of an extraordinary and entangling nature have been imposed as a condition of exercising the right of suffrage and holding office; the right of an accused person to a speedy and public trial by an impartial jury has been denied; the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, has been violated; they have been deprived of life, liberty, and property without due process of law; that the freedom of speech and of the press has been abridged; the right to choose their representatives has been made of no effect; murders, robberies, and arsons have been instigated and encouraged, and the offenders have been allowed to go unpunished; that all these things have been done with the knowledge, sanction, and procurement of the present Administration, and that for this high crime against the Constitution, the Union, and humanity, we arraign the Administration, the President, his advisers, agents, supporters, apologists, and accessories either *before* or *after* the fact, before the country and before the world; and that it is our fixed purpose to bring the actual perpetrators of these atrocious outrages

and their accomplices to a sure and condign punishment hereafter.

"4. That Kansas should be immediately admitted as a State of the Union with her present free constitution, as at once the most effectual way of securing to her citizens the enjoyment of the rights and privileges to which they are entitled, and of ending the civil strife now raging in her territory.

"5. That the highwayman's plea that 'might makes right,' embodied in the Ostend Circular, was, in every respect, unworthy of American diplomacy, and would bring shame and dishonor upon any government or people that gave it their sanction.

"6. That a railroad to the Pacific Ocean by the most central and practicable route is imperatively demanded by the interests of the whole country, and that the Federal Government ought to render immediate and efficient aid in its construction; and, as an auxiliary thereto, to the immediate construction of an emigrant route on the line of the railroad.

"7. That appropriations by Congress for the improvement of rivers and harbors of a national character, required for the accommodation and security of our existing commerce, are authorized by the Constitution and justified by the obligation of Government to protect the lives and property of its citizens.

"8. That we invite the affiliation and co-operation of freemen of all parties, however differing from us in other respects, in support of the principles herein declared; and, believing that the spirit of our institutions, as well as the Constitution of our country, guarantees liberty of conscience and equality of rights among citizens, we oppose all legislation impairing their security."

At the same time that the Republicans were in convention at Philadelphia, the "Americans" who

had withdrawn from the Fillmore convention were in session at New York, and on hearing the result at the former place, they also determined to support Fremont, and notified him to that effect. This brought from him the following letter, written several days before the date of his answer to the committee of the Republican convention:—

“NEW YORK, June 30, 1856.

“GENTLEMEN,—I received, with deep sensibility, your communication, informing me that a convention of my fellow-citizens, recently assembled in this city, have nominated me their candidate for the highest office in the gift of the American people; and I desire, through you, to offer to the members of that body, and to their respective constituencies, my grateful acknowledgment for this distinguished expression of confidence. In common with all who are interested in the welfare of the country, I had been strongly impressed by the generous spirit of conciliation which influenced the action of your assembly and characterizes your note. A disposition to avoid all special questions tending to defeat unanimity in the great cause, for the sake of which it was conceded that differences of opinion on less eventful questions should be held in abeyance, was evinced alike in the proceedings of your convention in reference to me, and in the manner by which you have communicated the result. In this course, no sacrifice of opinion on any side becomes necessary.

“I shall, in a few days, be able to transmit you a paper, designed for all parties engaged in our cause, in which I present to the country my views of the leading subjects which are now put in issue in the contest for the Presidency. My confidence in the success of our cause is greatly strengthened by the belief that these views will meet the approbation of your constituents.



"Trusting that the national and patriotic feelings evinced by the tender of your co-operation in the work of regenerating the Government, may increase the glow of enthusiasm which pervades the country, and harmonize all elements in our truly great and common cause, I accept the nomination with which you have honored me, and am, gentlemen, very respectfully,

"Your fellow-citizen, J. C. FREMONT."

"THOMAS H. FORD, AMBROSE STEPHENS W. A. HOWARD, etc., a Committee of the National American party."

On the 19th of June, the last day of the Republican convention, the nominees were notified of their selection, and in due time replies were made, the following being that of the leading candidate:—

"NEW YORK, July 8, 1856.

"GENTLEMEN,—You call me to a high responsibility by placing me in the van of a great movement of the people of the United States, who, without regard to past differences, are uniting in a common effort to bring back the action of the Federal Government to the principles of Washington and Jefferson. Comprehending the magnitude of the trust which they have declared themselves willing to place in my hands, and deeply sensible of the honor which their unreserved confidence, in this threatening position of the public affairs, implies, I feel that I can not better respond than by a sincere declaration that, in the event of my election to the Presidency, I should enter upon the execution of its duties with a single-hearted determination to promote the good of the whole country, and to direct solely to this end all the powers of the Government, irrespective of party issues and regardless of sectional strifes. The declaration of principles embodied in the resolves of your convention, expresses the sentiments in which I have been educated, and which have been ripened into convictions by personal observation and experience. With this declaration and avowal, I think it necessary to revert to only two of the subjects embraced in the resolutions, and to those only,

because events have surrounded them with grave and critical circumstances, and given to them especial importance.

"I concur in the views of the convention deprecating the foreign policy to which it adverts. The assumption that we have the right to take from another nation its domains because we want them, is an abandonment of the honest character which our country has acquired. To provoke hostilities by unjust assumptions would be to sacrifice the peace and prosperity of the country, when all its interests might be more certainly secured and its objects attained by just and healing counsels, involving no loss of reputation.

"International embarrassments are mainly the results of a secret diplomacy, which aims to keep from the knowledge of the people the operations of the Government. This system is inconsistent with the character of our institutions, and is itself yielding gradually to a more enlightened public opinion, and to the power of a free press, which, by its broad dissemination of political intelligence, secures in advance to the side of justice the judgment of the civilized world. An honest, firm, and open policy in our foreign relations would command the united support of the Nation, whose deliberate opinions it would necessarily reflect.

"Nothing is clearer in the history of our institutions than the design of the Nation, in asserting its own independence and freedom, to avoid giving countenance to the extension of slavery. The influence of the small but compact and powerful class of men interested in slavery, who command one section of the country, and wield a vast political control as a consequence in the other, is now directed to turn this impulse of the Revolution and reverse its principles. The extension of slavery across the continent is the object of the power which now rules the Government; and from this spirit has sprung those kindred wrongs in Kansas so truly portrayed in one of your resolutions, which prove that the elements of the most arbitrary governments have not been vanquished by the just theory of our own.

"It would be out of place here to pledge myself to any particular policy that may be suggested to terminate the sectional controversy engendered by political animosities, operating on a powerful class banded together by a common interest. A

practical remedy is the admission of Kansas into the Union as a Free State. The South should, in my judgment, earnestly desire such consummation. It would vindicate the good faith, it would correct the mistake of the repeal; and the North, having practically the benefit of the agreement between the two sections, would be satisfied, and good feeling be restored. The measure is perfectly consistent with the honor of the South, and vital to its interests.

“That fatal act which gave birth to this purely sectional strife, originating in the scheme to take from free labor the country secured to it by a solemn covenant, can not be too soon disarmed of its pernicious force. The only genial region of the middle latitudes left to the emigrants of the Northern States for homes can not be conquered from the free laborers, who have long considered it as set apart for them in our inheritance, without provoking a desperate struggle. Whatever may be the persistence of the particular class which seems ready to hazard everything for the success of the unjust scheme it has partially effected, I firmly believe that the great heart of the Nation, which throbs with the patriotism of the freemen of both sections, will have power to overcome it. They will look to the rights secured to them by the Constitution of the Union as their best safeguard from the opposition of the class which, by a monopoly of the soil and of the slave-labor to till it, might in time reduce them to the extremity of laboring on the same terms with the slaves. The great body of non-slaveholding freemen, including those of the South, upon whose welfare slavery is an oppression, will discover that the power of the General Government over the public lands may be beneficially exerted to advance their interests and secure their independence. Knowing this, their suffrages will not be wanting to maintain that authority in the Union which is absolutely essential to the maintenance of their own liberties, and which has more than once indicated the purpose of disposing of the public lands in such a way as would make every settler upon them a freeholder.

“If the people intrust to me the administration of the Government, the laws of Congress in relation to the territories will be faithfully executed. All its authority will be exerted in aid of the national will to re-establish the peace of the country on

the just principles which have heretofore received the sanction of the Federal Government, of the States, and of the people of both sections. Such a policy would leave no aliment to that sectional party which seeks its aggrandizement by appropriating the new territories to capital in the form of slavery; but would inevitably result in the triumph of free labor, the natural capital which constitutes the real wealth of this great country, and creates that intelligent power in the masses alone to be relied on as the bulwark of free institutions.

“Trusting that I have a heart capable of comprehending our whole country, with its varied interests, and confident that patriotism exists in all parts of the Union, I accept the nomination of your convention in the hope that I may be enabled to serve usefully its cause, which I consider the cause of Constitutional freedom.

“Very respectfully, your obedient servant,

“J. C. FREMONT.

“H. S. LANE, President of the Convention; JAMES M. ASHLEY, ANTHONY J. BLEECKER, JOSEPH C. HORNBLOWER, E. R. HOAR, THADDEUS STEVENS, etc., Committee.”

## CHAPTER XX.

CAMPAIGN OF 1856—MR. FILLMORE AND THE KNOW-NOTHINGS—IN RETIREMENT—HIS SYMPATHIES IN THE REBELLION—HIS ADMINISTRATION AND PRINCIPLES.

THE result of the Know-Nothing Convention was made known to Mr. Fillmore by a letter which reached him in Venice. Soon after receiving this information he started for home, and from Paris, under date of May 21, 1856, sent his reply signifying his acceptance of the nomination.

On the 22d of June he arrived in New York, where he was received with demonstrations suited to the occasion and the first Presidential candidate of the Native Americans. His journey to Buffalo was turned to the best possible advantage by his political friends. At several points on the route he made short impromptu addresses, some of which are really models in the way of plain, sensible, off-hand speaking.

In July, 1856, Mr. Fillmore delivered the following speech at Albany:—

“MR. MAYOR AND FELLOW-CITIZENS,—This overwhelming demonstration of congratulation and welcome almost deprives me of the power of speech. Here, nearly thirty years ago, I commenced my political career. In this building I first saw a



legislative body in session; but at that time it never entered into the aspirations of my heart that I ever should receive such a welcome as this in the capital of my native State.

“You have been pleased, sir, to allude to my former services and my probable course if I should again be called to the position of Chief Magistrate of the Nation. It is not pleasant to speak of one’s self, yet I trust that the occasion will justify me in briefly alluding to one or two events connected with my Administration. You all know that when I was called to the Executive chair by a bereavement which shrouded a nation in mourning, that the country was unfortunately agitated from one end to the other upon the all-exciting subject of slavery. It was then, sir, that I felt it my duty to rise above every sectional prejudice and look to the welfare of the whole Nation. I was compelled to a certain extent to overcome long-cherished prejudices and disregard party claims. But in doing this, sir, I did no more than was done by many abler and better men than myself. I was by no means the sole instrument, under Providence, in harmonizing these difficulties. There were at that time noble, independent, high-souled men in both Houses of Congress, belonging to both the great political parties of the country, Whigs and Democrats, who spurned the dictation of selfish party leaders, and rallied around my Administration in support of the great measures which restored peace to an agitated and distracted country. Some of these have gone to their eternal rest, with the blessings of their country on their heads; but others yet survive, deserving the benediction and honors of a grateful people. By the blessings of Divine Providence our efforts were crowned with signal success, and when I left the Presidential chair the whole Nation was prosperous and contented, and our relations with all foreign nations were of the most amicable kind. The cloud that hung upon the horizon was dissipated. But where are we now? Alas! threatened at home with civil war, and from abroad with a rupture of our peaceful relations. I shall not seek to trace the causes of this change. These are the facts, and it is for you to ponder upon them. Of the present Administration I have nothing to say, for I know and can appreciate the difficulties of administering this Government; and if the present

Executive and his supporters have with good intentions and honest hearts made a mistake, I hope God may forgive them as I freely do. But if there be those who have brought these calamities upon the country for selfish or ambitious objects, it is your duty, fellow-citizens, to hold them to a strict responsibility.

“The agitation which disturbed the peace of the country in 1850 was unavoidable. It was brought upon us by the acquisition of new territory, for the government of which it was necessary to provide territorial organization. But it is for you to say whether the present agitation, which distracts the country and threatens us with civil war, has not been recklessly and wantonly produced by the adoption of a measure to aid personal advancement rather than in any public good.

“Sir, you have been pleased to say that I have the Union of these States at heart; this, sir, is most true, for if there be one object dearer to me than any other, it is the unity, prosperity, and glory of this great Republic; and I confess frankly, sir, that I fear it is in danger. I say nothing of any particular section, much less of the several candidates before the people. I presume they are all honorable men. But, sir, what do we see? An exasperated feeling between the North and the South on the most exciting of all topics, resulting in bloodshed and organized military array.

“But this is not all, sir. We see a political party presenting candidates for the Presidency and Vice-Presidency, selected for the first time from the Free States alone, with the avowed purpose of electing these candidates by suffrages of one part of the Union only, to rule over the whole United States. Can it be possible that those who are engaged in such a measure can have seriously reflected upon the consequences which must inevitably follow in case of success? Can they have the madness or the folly to believe that our Southern brethren would submit to be governed by such a Chief Magistrate? Would he be required to follow the same rule prescribed by those who elected him in making his appointments? If a man living south of Mason and Dixon’s Line be not worthy to be President or Vice-President, would it be proper to select one from the same quarter as one of his Cabinet Council, or to

represent the Nation in a foreign country? or, indeed, to collect the revenue, or administer the laws of the United States? If not, what new rule is the President to adopt in selecting men for office that the people themselves discard in selecting him? These are serious but practical questions, and in order to appreciate them fully it is only necessary to turn the tables upon ourselves. Suppose that the South, having a majority of the electoral votes, should declare that they would only have slaveholders for President and Vice-President, and should elect such by their exclusive suffrages to rule over us at the North. Do you think we would submit to it? No, not for a moment. And do you believe that your Southern brethren are less sensitive on this subject than you are, or less jealous of their rights? If you do, let me tell you that you are mistaken. And, therefore, you must see that if this sectional party succeeds, it leads inevitably to the destruction of this beautiful fabric reared by our forefathers, cemented by their blood, and bequeathed to us as a priceless inheritance.

“I tell you, my friends, that I feel deeply, and therefore I speak earnestly on this subject, (cries of ‘You’re right!’) for I feel that you are in danger. I am determined to make a clean breast of it. I will wash my hands of the consequences, whatever they may be; and I tell you that we are treading upon the brink of a volcano that is liable at any moment to burst forth and overwhelm the Nation. I might, by soft words, inspire delusive hopes, and thereby win votes. But I can never consent to be one thing to the North and another to the South. I should despise myself if I could be guilty of such duplicity. For my conscience would exclaim, with the dramatic poet:

‘Is there not some chosen curse,  
Some hidden thunder in the stores of heaven,  
Red with uncommon wrath, to blast the man  
Who owes his greatness to his country’s ruin?’

“In the language of the lamented but immortal Clay: ‘I had rather be right than be President!’

“It seems to me impossible that those engaged in this can have contemplated the awful consequences of success. If it breaks asunder the bonds of our Union, and spreads anarchy and civil war through the land, what is it less than moral

treason? Law and common sense hold a man responsible for the natural consequence of his acts, and must not those whose acts tend to the destruction of the Government be equally held responsible?

“And let me also add, that when this Union is dissolved, it will not be divided into two republics, or two monarchies, but be broken into fragments, and at war with each other.”

On the 31st of July he acknowledged in a gracefully written letter a nomination he had received at the hands of the Georgia Americans early in the year; and in answer to the action of a Whig Convention at Richmond, Virginia, Mr. Fillmore very wisely and plainly wrote:—

“BUFFALO, NEW YORK, August 6, 1856.

“WINDHAM ROBERTSON, ESQ.:—

“SIR,—I have the honor to acknowledge the receipt of your letter of the 23d ult., transmitting a copy of the preamble and resolutions adopted by the Whig Convention of Virginia lately assembled at Richmond, by which that intelligent and patriotic body recommend to their Whig brethren throughout the State to yield to my nomination for the Presidency, their active and zealous support.

“Standing, as I do, as the known candidate of another party, I yet receive this recommendation with gratitude. I feel that it is made, not because the principles of the two parties are identical, nor with a view of merging them in each other—for such an object is expressly disclaimed by the convention—but because the principles which my nomination represents, approach more nearly to yours than to those maintained by any other candidate; and because, as the convention was pleased to say, of their confidence in my late administration of the Government.

“Whatever may be our differences on minor subjects, I am sure there is one on which we agree; and that one at the moment is paramount to all others. I allude to the



preservation of the Union of these States, and the rescuing of the country from sectional strife. The question is not so much how shall the Government be administered, as how shall it be preserved; and on this great, vital question, national Whigs, national Democrats, and Union-loving Americans may well act in concert. On this basis I shall with great pleasure receive the votes of all who have confidence in my integrity and ability, and who ask no other pledge than my past service, for my future conduct. This position seems to me alike honorable to all. No principle is sacrificed; no deception is practiced; and I trust that no one, casting his vote for me on this ground, will ever have cause to regret it.

“With many thanks for the flattering manner in which you have been pleased to communicate the result of the convention, I have the honor to be your friend and fellow-citizen,  
MILLARD FILLMORE.”

The following is Mr. Fillmore's reply to the communication notifying him of his nomination by the remnant of Whigs:—

“BUFFALO, NEW YORK, October 1, 1856.

“HON. EDWARD BATES:—

“SIR,—Your letter of the 19th ult., came to hand day before yesterday, informing me that at a general convention of the Whigs of the United States, held at Baltimore on the 17th and 18th of the present month, I was honored by that convention by being chosen with one voice as their candidate for the Presidency.

“Whilst some of my old Whig friends, whom I have always highly respected, and whose patriotism I am unwilling to doubt, are opposed to my election, and are engaged, some on the one side and some on the other, of political parties which are sowing the seeds of alienation and distrust between different sections of our common country, and waging a sectional warfare tending to weaken, if not



to destroy the Union of these States, it is a source of inexpressible gratification to me to receive the unanimous nomination of the great representative body of the national Whigs of the United States—no less distinguished for their intelligence than for their patriotism—and I cheerfully accept it with the profoundest emotions of gratitude and pride.

“Although I am the known candidate of another party, yet I can see nothing dishonorable in receiving the support of all the Union-loving men, by whatever political denomination they may be known; but I confess that I receive this flattering testimonial of the continued confidence in my personal integrity and patriotism of my old Whig friends, with much more than ordinary satisfaction; and I trust that, if elected, I shall do nothing to disappoint the hopes or dishonor the preference of those who have so generously bestowed their confidence.

“With renewed expressions of my high respect for yourself, personally, and my veneration for the intelligent and patriotic body over which you presided, I am, sir, your friend and fellow-citizen,  
MILLARD FILLMORE.”

Some of the opposition papers placed Mr. Fillmore's nomination by this convention purely to the credit of his friends in the South, who had been, in the main, satisfied with his Presidency and his position as to slavery, while they were much less concerned about the Know-Nothing features of the case.

But there was from the outset no chance for Mr. Fillmore, and when the smoke of the wonderful contest had cleared away a little, it was found that but one State—Maryland—had given a majority at the polls, and cast her electoral vote for him. The Know-Nothing majority in Maryland was 8,064; and the

whole popular vote of the nation for Mr. Fillmore was 874,534. All the States cast votes for the American ticket; only three of them less than a thousand, the smallest vote being cast by New Hampshire, that State giving only 422 ballots for the Know-Nothing candidates. The largest popular vote for this ticket was given by New York, that State casting 124,604 votes. The next largest vote for Mr. Fillmore was given by Pennsylvania; Kentucky, Tennessee, Virginia, Missouri, Maryland, and Georgia coming next in order.

Mr. Fillmore quit the White House in general favor. He had done well as President, and the North did not reprobate him until the race of 1856, wherein his candidacy had secured the election of James Buchanan. With the close of his Administration ended the Whig party, and with this single campaign virtually ended the Know-Nothing adventure.

The principles and issues involved in the Republican party, which had, with wonderful strength, sprung into existence upon the ruins of the Whig, now began to absorb all political interests in the North, out of the ranks of the Democracy. The greater portion of the Southern Whigs went over to the Democrats after the race of 1856; a respectable per cent of them, however, holding back until they had cast a vote for the Union, or Bell and Everett ticket, in 1860. A considerable number of Northern Whigs took a similar course, and among these was Mr. Fillmore. After the election of 1856, so

far as he took any stand in political affairs, it was on the side of the Democratic party. A very narrow partisan writer of that day says of Mr. Fillmore: "We understand that he openly repudiates Republicanism, and is joined with the Democrats in defense of the Constitution, and in putting down those who are trampling it under foot—a glorious work for his ripe old age."

In December, 1860, at a Union meeting, held in Pine Street, New York City, it was determined to ask Mr. Fillmore to make a trip South as a pacificator, and General John A. Dix wrote to him on the subject. On the 19th of the same month, Mr. Fillmore replied from Buffalo. After saying that he was greatly honored, but that he thought the action of the meeting quite sufficient to satisfy the South, he wrote:—

"What I want is some assurance from the Republican party, now dominant at the North, that they, or at least the conservative portion of them, are ready and willing to come forward and repeal all unconstitutional slave laws, live up to the compromises of the Constitution, execute the laws of Congress honestly and faithfully, and treat our Southern brethren as friends. When I can have any such reliable assurance as this to give, I will go most cheerfully, and urge our Southern brethren to follow our example, and restore harmony and fraternal affection between the North and the South."

On the 16th of March, 1861, at a meeting held in the Metropolitan Theater, Buffalo, on the war prospects, in an attempt to express the feeling of the

citizens, Mr. Fillmore was called upon to preside, and in his speech, said :—

“It is many years since I have taken any part in a political meeting, and I never intended to attend another. I have long since ceased to be a partisan or politician, in the ordinary acceptance of those terms. But I have not ceased to love my country, to venerate its institutions, to take a just pride in its prosperity and glory, and to tremble with anxiety when I see all that a patriot should hold dear, in the most imminent peril.

“It is for this reason that I have, at your request, consented to preside at this meeting, composed, as it is, of the citizens of Buffalo, without distinction of party, who have assembled here to express their sentiments on the alarming state of the country. . . .

“But, my fellow-citizens, this is no time for any man to shrink from the responsibility which events have cast upon him. We have reached a crisis in the history of this country, when no man, however humble his rank or limited his influence, has a right to stand neutral. Civil war has been inaugurated, and we must meet it. Our Government calls for aid, and we must give it. Our Constitution is in danger, and we must defend it. It is no time now to inquire by whose fault or folly this state of things has been produced. . . . We have a common lot, and must meet a common fate. Let every man, therefore, stand to his post, and, like the Roman sentinel at the gate of Pompeii, let posterity, when the storm is over, find our skeleton and armor on the spot where duty required us to stand.”

Three years later, while falling greatly below the desires and expectations of many of the fiery war-spirits of the community, in a speech before the “Great Central Fair” at Buffalo, held for the benefit of the

soldiers of the Republic then fighting in the field, Mr. Fillmore said :—

“We can not, in our humble capacity, control the events of this desolating war. We hear its thunders and mark the track of desolation, and we must meet the emergency as best we can, but never despair of the Republic. . . .

“Nor is this the time and place to express an opinion as to the policy that should be pursued to reach so desirable an end. But one thing is clear, that much must be forgiven, if not forgotten, on both sides, before this Union can ever be restored.” . . .

“But it must be apparent to all that the first step towards bringing this war to a close is to conquer the rebel army. Any negotiations for peace before this is done would prove abortive, and any professed clemency to those in arms, who defy our power, would be a mockery which would be treated with ridicule and contempt. . . . But to accomplish this the Administration must be supported in all Constitutional efforts to conquer and disperse the rebel army. . . . The course of events has done much to incite the South, and intensify its hatred to the North, and desperation will lend energy and boldness to their efforts. . . . We must, therefore, give up the contest, and consent to dissolution, which, I venture to say, no man who loves his country is prepared to do, or we must send an army into the field sufficiently strong to insure success.”

Mr. Fillmore's feelings, it was supposed, had so greatly turned towards the South that, in 1864, he expressed sentiments which still more exasperated some of his old political associates. He even thought his own chances good of receiving the nomination of the Democracy in 1864, and gave a warm



support to McClellan. So warm did he become, in spite of his supposed non-partisan stand, that being from home on the eve of the election, he hurried back to be in time to cast his vote for McClellan. One of the Administration papers of that day went so far as to say, at Mr. Fillmore's own home, that the South had only followed his advice in rebelling in 1860; and that, in 1864, on the renomination of Mr. Lincoln, his course was still more partial to the rebel side. The following letter will illustrate his position at this time:—

LETTER TO THE KEYSTONE STATE CLUB OF PHILADELPHIA.

“I sincerely feel that the country is on the verge of ruin, and, unless the policy which governs our national affairs can be changed, we must soon end in national bankruptcy and a military despotism. Perhaps the former can not now be averted, but the latter may; but in my opinion the policy can only be changed by a change of Administration. Everything seems to have been done to unite and exasperate the South, so as to render a union impossible; but still I am not without hope that a change of Administration may change the feelings of the South towards us, and eventually bring about a restored Union and an honorable peace; but I have no faith in that policy which proposes to exterminate the South, or hold it by military subjugation. To maintain the Union by force of arms merely would require a standing army that would exhaust all the resources of the Nation, and necessarily convert our Government into a military despotism. This is a result that no patriot can contemplate without horror. But I have said more than I intended, and you will please to consider it private, and believe me,

“Yours, etc.,                      MILLARD FILLMORE.”

"BUFFALO, August 17, 1864.

"MY DEAR SIR,—Your favor of the 13th came to hand during my absence, but I was greatly surprised to see by the papers that you had so large and enthusiastic a meeting for McClellan. I sincerely hope that he will receive the nomination of the Chicago Convention.

"I see my name occasionally alluded to in connection with that convention, but I can not think there is anything of it; for I believe that all know that I do not desire the nomination, and I can not think any great number desire me to have it.

"Truly yours,

MILLARD FILLMORE.

"H. KETCHUM, Esq."

At the outbreak of the War of the Rebellion a company called the "Union Continentals" was formed at Buffalo, composed of old citizens. Mr. Fillmore was chosen the captain of this company, and N. K. Hall, his old law partner, a lieutenant. When Buffalo sent out her first installment of soldiers, this company of old men, headed by Fillmore, escorted them to the railroad, where they were to embark for the scene of conflict. The very force and spirit of the people surrounding him threw him for a time into a support of, or at least acquiescence in, the war preparations of the North; but from this passive state he soon settled down to an undemonstrative opposition to the Administration of Mr. Lincoln. Some feeling was for a time manifested against him in Buffalo, and no matter how well or ill founded, it was not always restrained from offensive expression. Some zealous patriots even called on him during one of the trying campaigns of

the War, and not being satisfied with his style of loyalty, pelted his house with mud balls, and otherwise treated the quiet old man in an indignant way. But it was a mistake then to suppose Mr. Fillmore disloyal to the Union, or that his sympathies with the South destroyed his sympathy and respect for the people of his own section. Nor would a historian at this day vindicate his claim to respect by assuming that intelligent men in the North were disloyal or traitorous who held to a different policy from that on which the War was conducted. It is no more impossible for those to be honest and sincere on the wrong side than it is probable that all who are on the right side are honest and sincere. Mr. Fillmore sincerely believed that war was not the way to maintain the Union. He believed the question of slavery forever settled during his Administration by the "Compromise Measures," and thought the North should have been faithful in their execution. His conduct as President had been based purely upon the belief that it was his duty to obey and execute all national laws, and that the spirit of compromise, though distasteful in some respects, was the only certain guide to peace. Slavery was doubtlessly always repugnant to Mr. Fillmore, yet after all it was a national calamity more than a Southern crime. On this subject, however, Mr. Fillmore had not, in common parlance, been consistent always. Consistency may not always be a jewel. It is certain at all events that the wisdom of experience and progress justifies, if it does not imply, change.

At the beginning and the end of Mr. Fillmore's Congressional career he was very decidedly anti-slavery. Nor does it appear that he was more inclined than the average among his class to palliate or make any possible allowance for slavery in the Southern States. His anti-slavery views were well known, and even after the Presidential election of 1848 the South distrusted him, and under the vague impression that Southern electors contemplated making an effort to substitute General Wm. O. Butler for him in the "Electoral Colleges," he wrote a letter, which was first published in "The Buffalo Commercial Advertiser" soon after the election, in which he lavished praises on the Southern Whigs, and spoke enthusiastically of his national principles and the purely national character of the Whig party. This letter was designed to put him on better terms with the South, and it had the desired effect. It was claimed at the time that the letter was published by a little slip of friendly confidence, but it really was not. It was prepared by Mr. Fillmore to take the exact course it did. The fact of his first letter to the Whig Nominating Convention in 1848 being a spirited anti-slavery document, and of its giving way for the more politic one, which became a part of the ostensible history of the man and the times, has been mentioned. That Mr. Fillmore ever became a friend of slavery it would be ridiculous to assert; and the accusation that he had "sold out" to Southern politicians was, of course, equally absurd. That his earlier opinions of the rights of the

Southern people, and the best and most just method of dealing with the institution of slavery under the Constitution underwent some change, there is no doubt. His views became more enlarged and statesman-like; his patriotism became national, and not sectional. His opposition to the Republican Administration of public affairs, and of the conduct of the war, was not founded on mere caprice, nor was it affection for Southern manners and institutions. His Administration had restored the country to comparative peace and quiet, and he believed the principles on which that quiet was based were just and reasonable, and that these principles should be perpetuated until in the progress of time some more amicable or wise and noble solution might be found for the great source of national contention. Whatever doubts may be entertained of the wisdom, intellectual ability, and statesmanship of Millard Fillmore, his virtue and honesty perhaps stand unblemished to-day on the pages of his country's history.



## CHAPTER XXI.

MR. FILLMORE AND SOCIETY—THE MAN—THE END—  
FOREST LAWN.

STRICTLY speaking, Mr. Fillmore could not be called a public-spirited man, although he took a general interest in the affairs of his community, and sometimes an active part, and especially when invited to do so he gave a ready hand to matters connected with the immediate prosperity of Buffalo. On the organization of the Historical Society of that city in the summer of 1862 he was elected its first president, and continued to fill the position until 1867. On the first day of July, in taking the presidency of the society, he delivered an address of some historic worth on the origin of the name Buffalo, as applied to the city and creek, and the early settlement and growth of the town. He was concerned in the organization of the "Buffalo Fine Arts Academy," and was to the end of his life one of its officers, and generally favored movements looking to the cultivation and refinement of the community. Although his early education had been defective, Mr. Fillmore was decidedly scholarly in his habits, while he avoided all pretensions to scholarship. His good sense and judgment in this matter clearly appear in

the fact that while in England in 1855 Oxford University offered to confer upon him the degree of "D. C. L.," which "honor" he declined on the ground that he was not a graduate of a college and did not merit it. This display of genuine refinement and modesty was in striking contrast with the conduct of some other distinguished men.

It has been said, unwisely and flippantly, that Millard Fillmore lacked heart, that this was a blank in him. This is a somewhat vague charge; but supposing it to have the kind of general sense used in speaking of the world's "good fellows," it may hardly be set down gravely as a crime. He was not a one-sided man. Mr. Fillmore had a wonderfully even and admirably well-balanced character. There was no merely gush side to him, if that means having heart. Some of the wild, extravagant men of the day were greatly vexed with his formal and very distant method of dealing with Louis Kossuth, whose conduct was little more deserving of respect finally in this country than it was in France. In both cases he undertook to appeal from the government to the people; and here, when the natives only responded with money, sympathy, good treatment, and wide-mouthed eulogy, he called to the foreign element to correct the errors of American statesmanship. Although Mr. Fillmore as President did not neglect his "friends," and was certainly sufficiently responsive to the demands made upon him, no doubt many an office-hunter, brimful of "heart," was turned away bitter with reflections of the coldness and unappre-

ciativeness of the calm and cold dispenser of patronage at the White House.

Correctly speaking, the President of the United States has no right to have "friends." In his conduct of public affairs virtue, capability, and uprightness should be his only guides in selecting the agents of the Government.

In the common view of things Mr. Fillmore was not a "social" man. Not even in his more animal-like and uncultured early life was he especially noted for this quality, somehow strangely put down as one of the human virtues by intelligent as well as thoughtless people. "Social" among men means drinks and games, tobacco, dinners, and clubs; curb-stones, grocery corners; nightly orgies and general forgetfulness of life and its duties; evenings, suppers and cards here and there; story-telling of all grades, other men's business, and prods at one another which leave stings that smart afterwards; nights of ghosts and family and personal reminiscences, where the more ignorant the man the more prominent the *I*; neglect of home, wife, and children, and a universal squandering of life and its opportunities above its lowest necessities; to be always "hail-fellow-well-met" to all human animals, at the expense of careful and just thinking, careful and just acting, careful and just living, and wise and proper culture and development of the infinite susceptibilities, as animals and as intellectual and morally accountable beings. "Social" with women implies—but who can care to review the stories of faultless

cherubs, gowns, bonnets, small and worthless talk, backbiting, slang and never-ending gossip, utter neglect of mental culture, thoughtless and reckless squandering of time and life; and the dispersion of such knowledge as may not be above society evils, drudgery, domestic infelicity, missteps, accidents, theaters, "sewing circles," "foreign missions," fairs, pets, enmities, rivalries, and what-nots?

After Mr. Fillmore ceased to be the Fourth of July orator and head man about Aurora, and his "office" ceased to be the head-quarters of yarns, mannish gossip, and old pipes, few pictures of this kind of "social" are found in his life. In this too general and common sense of "social" there have, perhaps, been no refined, wise, just, and great men and women. This is an animal state. As the mind develops and enlarges it leaves this behind among the shameful memories of the uncultured and unthoughtful past. But that Mr. Fillmore neglected the really adequate and just consideration of others, or forgot that most of his thoughts, affections, and deeds should be of and for others is quite another thing, and were it true would indeed be a grave charge. No really intelligent, upright, and wise person could, or ever does, neglect these things, whatever may be the seeming to a world wagging on under the thoughtless, harmful, selfish, and weak impression that to be "social" is the mission of man, as much as it is of bird or beast. Of the private worth and real heart of Mr. Fillmore it must be admitted that his neighbors and acquaintances were the best judges. In

taking action on his death his associates of the Fine Arts Academy, to a great extent, expressed the sentiments of the community in saying:—

“For who among America’s illustrious dead has better exhibited the teachings of her republican simplicity and virtue than Millard Fillmore? Who by his example has more clearly pointed out the possibilities that result from that ideal form of government which, in a period of rapid changes, has stood a whole century the proud monument of the dignity of man, and of the wisdom and purity of its patriotic founders? Public grief is due the patriot, but it is not lasting. His niche in the temple of fame is filled, his public acts recorded in history; but, the last duty performed, all goes on as usual. Not so with his private life. Those around whose hearts he has woven the silken web of love can not so soon forget. The ligament, if strongly knit, forms an attachment beyond the grave, its strength not seldom defying the power of death. It is such love alone that keeps our memories vernal.

“Our country has produced few men whose public as well as private lives so evenly filled the measure of a true gentleman as did that of our honored townsman; nor is it too much to say that where he was best known he was the most beloved, for the nearer he was approached the more he was esteemed.

“Though Mr. Fillmore had held several important offices, both State and Federal, and had attained the highest dignity to which an American can aspire, his manner towards all was that of an urbane fellow-citizen; nor did he ever fail of taking an active part in such local enterprises as he thought the good of society demanded. Among these was the Buffalo Fine Arts Academy, in the executive board of which, from its inception till his death, he continued to be an active and highly useful member.”



As a rule, under all circumstances, Mr. Fillmore met and treated all men kindly; and to the end of his life at home he kept up the habit of walking down town, first to business, and after his retirement to stop a moment here and there to give a kind word to, or receive one from, those he met.

In 1858 Mr. Fillmore was married again, and soon afterwards with this wife made a second trip to Europe. From this time he lived in comparative quiet at his home in Buffalo, and after the war especially his life flowed smoothly and happily along to the end, his fine health continuing unbroken to within a few weeks of his death, which occurred on the night of the eleventh of March, 1874. From the Buffalo "Commercial Advertiser," of the 9th of that month, the following account of this event is taken:—

"Buffalo has lost her most distinguished citizen. The venerable man, whom all her people delighted to acknowledge as one of them, has gone to his final rest, full of years and of honors. Millard Fillmore has witnessed the last of earth; the immortal part of him, the great example afforded in the purity of his private life, and the patriotism of his public career, remains as a precious heritage to this and future generations of Americans. This whole country will sincerely mourn his death. In many countries (for wherever his name is known it is honored) it will be said that a good man has left this world to reap in the next that reward which is promised to those who faithfully strive to earn it here.

"Elsewhere we give a full account of the early life and later public services of our eminent fellow-citizen. In this place we merely desire to indicate the general appreciation of his worth and the universal sorrow at his death. The city is in mourning. Never before has the holy Lenten season brought such sad

occasion for this community to participate in the solemn services with which a Christian world commemorates the sufferings and death of mankind's Redeemer. One week ago the announcement of the sudden death of Judge Hall caused wide-spread grief. Simultaneously came the news that Mr. Fillmore had suffered a stroke which is almost sure to be fatal to one at his time of life. Fatal, indeed, it proved. He lingered longer than was at first expected, and there were even hopes that he would at least partially recover his health and strength. But that would have been almost a miracle. One long anxious week passed, and at length the pure and nearly perfect man went from earth to join his beloved life-long friend, his faithful political associate, his former business partner—the eminent and upright judge whose death was sorrowfully recorded in these columns last Monday.

“There will be many eloquent tributes to the memory of Mr. Fillmore in legislative halls, in courts of law, in public journals. It will afford us a melancholy pleasure to lay before our readers all such proper expressions of the universal admiration of the beautiful life, and of regret at even the expected death, of our lamented fellow-citizen. His history affords a most shining example of, and a splendid incentive to, those excellent habits of life which so often bring success and honor and satisfaction to reward the declining years of prominent citizens. Born to poverty, without the advantage of early education, almost friendless, with no powerful patronage to push him on—with nothing, indeed, but fair average abilities, robust health, a clear head, and a good heart—Millard Fillmore worthily won and wore the highest honors which his country could bestow. As a mechanic, as a teacher, at the bar, in the Legislature, in the highest financial office of the State, in Congress, in the President's chair, in whatever station circumstances placed him, Millard Fillmore strove with all his might to do his very best, his whole duty, according to the lights vouchsafed him by his Maker. His singularly fresh and handsome presence in his old age was of itself an index to the innocent and worthy life he led. His habits, his manners, his conversation, his looks, even his every-day dress, all gave token of the true American gentleman of the old school, of which

he was perhaps the most perfect type ever seen by the present generation. . . .

“The first public announcement of Mr. Fillmore’s illness, with a statement as to the nature of his disease, was made in the ‘Commercial Advertiser’ of Tuesday, March 3d, as follows:—

“‘For several days past painful rumors have prevailed in the city regarding the health of our honored townsman, Ex-President Fillmore, and it is with extreme regret that we record the fact that these rumors were not unfounded.

“‘Though aware of the condition of Mr. Fillmore, we abstained from any reference thereto in the columns of the ‘Commercial’ at the earnest request of members of his family. To the request of Mr. Fillmore’s family was added that of the late Judge Hall, personally made to our reporter on Friday last.

“‘The general anxiety, however, in regard to the condition of Mr. Fillmore’s health, added to the fact that a report of his decease prevailed last evening, has now become so great that we deem it a matter of duty to the public to make the following statement:—

“‘Two weeks ago last Friday (February 13th) Mr. Fillmore—having been in his usual health up to that time, and for a few days preceding somewhat more occupied than usual—experienced a stroke of paralysis. After shaving in the morning his left hand suddenly dropped powerless to his side, and lost both sensation and the power of motion. The difficulty extended to the left side of the face, and affected the muscles connected with the voice and the power of swallowing. Under suitable treatment at the hands of his valued friend and physician, Professor James P. White, he improved considerably, and motion was partially restored to the paralyzed parts. The voice resumed its naturalness, and the patient seemed in a favorable state of convalescence.

“‘On Thursday last—nearly two weeks from the first attack—he experienced a return of the difficulty. The next day, Friday, by invitation of Dr. White, Dr. Gray, of Utica, visited him together with the first-named gentleman. On Saturday and Sunday he became more lethargic, and an extension of the paralysis took place towards the lower extremities. Yes—

terday he was unable to rise or walk about, as after the first attack. Proper medicines were freely given during the day, and he passed a tolerably comfortable night. Quite early this morning he was visited by Dr. White, and found to be less comatose, and, on the whole, in an improved condition. Hopes are now entertained that the cause of the difficulty has been arrested, and that he will continue to improve.' . . .

"Buffalo is in mourning to-day! One of her noblest and best—one who was not only respected and loved at home, but whose name was honored throughout the country and the civilized world—has passed away. Millard Fillmore is dead! He died at ten minutes after eleven o'clock last night.

"Three weeks ago last Friday Mr. Fillmore was first prostrated by the disease that has finally taken him from us. Although his recovery, from the first, was regarded as something hardly to be hoped for, the intelligence of his death falls with no less saddening effect upon the community.

"On Thursday, February 26th, he experienced a second attack of paralysis; and although he rallied for a time he was not, as after the first attack, able to walk about the house, but took to his bed, from which he was never again to arise.

"Mr. Fillmore commenced sinking on Saturday afternoon, and was very restless through the night. He continued to fail during the day yesterday, though at eight o'clock last evening he was still conscious, and swallowed some liquid food. At that hour he was able to articulate, and said the food tasted good. An hour later he had lost the power of speech, and was thenceforward unconscious. He soon passed peacefully away, without a struggle.

"There were present at the bedside, when death came, Mr. Cyrus Fillmore, of Indiana, a brother, who arrived yesterday; Mrs. Fillmore; the son, Mr. M. P. Fillmore; the family physician, Dr. James P. White, and the usual attendants."

The city government at once made arrangements for the funeral, the courts adjourned, the schools were ordered to be dismissed on the 12th, and the signs of mourning were general. In the Legislature



of New York Thurlow Weed uttered this eulogium on Mr. Fillmore :—

“It is with pride that I second the resolutions reported by the committee upon the death of Millard Fillmore, and take this opportunity briefly to express my appreciation of the high character of one of the most distinguished sons of the State of New York. The State of New York, sir, and its citizens have reason to be proud of the life and services and character of, as well as to mourn the death of, Ex-President Fillmore. His public life was begun in this chamber as a member of the Assembly, and, as the gentleman from Onondaga has said, he rose step by step until he filled the highest position in the gift of the people of this country. It is, therefore, appropriate that we should do honor to his name at this time. In his life the young men of this country can see what may be achieved in this free land by honesty and industry.

“In him they see that a poor, uneducated boy of nineteen, by application, by earnest labor and unflinching integrity may not only become the Chief Magistrate of the Nation, but may become honored, respected, and beloved as such. Millard Fillmore has departed this life with the respect, the honor, and gratitude of the people of the United States.

“At times in his political career he took positions that displeased many who had been his friends and supporters ; but time has softened and erased all such feelings, and all, friends and enemies alike, before his death acknowledged his integrity, his manliness, and his ability, not only as a man, a statesman, but as President of the United States, and very many who opposed him at the time have acknowledged the wisdom of such acts.

“It is with these sentiments, therefore, Mr. Speaker, that I aid in paying this just tribute to New York’s distinguished son, Millard Fillmore.”



And "The New York Herald" expressed this strong sentiment in speaking of Mr. Fillmore as the representative of conservatism and conciliation, and Charles Sumner (whose death occurred in the same year) as the representative of radicalism and no compromise :—

"In both Sumner and Fillmore are worthy models, and if the beauty of their lives is impressed upon the country, if their integrity, their earnestness, and their honor exert the power these ought to exert, we shall soon be freed from the unworthy men who have usurped public positions and disgraced and dishonored the American name."

At a meeting of the members of the Buffalo Historical Society James O. Putnam made this statement concerning Mr. Fillmore :—

"He aided in forming nearly all our institutions of art, charity, and education, and he gave the weight of his great name and character to every valuable enterprise which sought to promote our social interests. He took upon himself every burthen imposed for the public good, and his hand and his voice, his heart and his purse, were ever at the service of his fellow-citizens. Then he was a part of our daily personal life. In the street, at his own hospitable home, in all our homes, he was ever and always the same courteous gentleman, the same appreciative friend, the kind neighbor, seeking by good and unostentatious offices to make others happy. Wherever he was he created an atmosphere of kindness and cheer, most felt and most appreciated by those who stood most in need of social sympathy. His personal relation to Buffalo he always recognized and spoke of with interest and affection. . . .

"And from this office he is transferred to the broader sphere of national politics. His nomination as Vice-

President was simply the recognition of his prominence already won, both in his own State and at Washington. The death of his lamented colleague, General Taylor, imposed upon him, as the Executive of the Nation, some of the highest responsibilities of Government. And here we enter upon ground where the ashes of a fire intensified by every element of human interest, ambition, sentiment, and passion, are still warm, if not of burning heat. That struggle and its incidents and surroundings and its master leaderships, who that witnessed it will ever forget? It was the battle of the giants, almost the last great conflict of the political leaders of the first half of our century; Webster, Clay, Calhoun, Benton, Chase, Seward, and others of less fame, leading the conflict with all the fire of genius and all the enthusiasm of conviction. Can we have any doubt that the moral Providence which governs the world overruled that strife for the best, best for the country, best for the ultimate triumph of the principles of human freedom? It is to be remembered that Mr. Fillmore came to the administration of the Government in the transition period of public opinion, and somewhat of our civil institutions. Mr. Fillmore called about him some of the wisest statesmanship of the land, and when the law-making branch of the Government presented him a scheme for the final settlement of the disturbing questions of the hour, he had but to satisfy himself that they violated no Constitutional principle, and to give it his Executive sanction. Mr. Fillmore regarded the Compromise Measures a finality and pledge that every advantage which had been given to freedom and to free territory by the settlement of 1821, should remain forever intact. But this, sir, is for history, and to her calm judgment I would leave every act and every actor in that great drama.

“Mr. Fillmore’s Administration was an eminently conservative one, as was his character. . . .

“But I do not intend any review of his Administra-

tion, for which this is not the time or place. Mr. Fillmore was a conservative statesman. I recognize the value, at times, of less cautious statesmanship. I know no other remedy for deep-seated abuses in Church or State but that force in society we call radicalism. But I know that without its complement, conservatism, it is like Phaeton driving the coursers of the Sun, marking his track with desolation and ruin. Mr. Fillmore, like his friend and his chosen colleague in the Government, Mr. Webster, was a conservative statesman, fully in sympathy with every humane sentiment, but looking upon our Government as a delicate and complicated organization, full of checks and balances and Constitutional restraints, and it was not his nature to hazard any uncertain experiments, or for slight causes to make any departure from the track laid down by the Fathers of the Constitution. He stood by the ancient ways. Mr. Fillmore's name was the synonym of integrity and honor, and the story of his rise from the humblest beginning to the heights of human distinction, like that of Lincoln, will be an inspiration to American youth for ages to come. His unpurchased, unsullied career under our republican institutions is a patent of nobility more lasting and more noble than was ever bestowed by the hands of anointed kings."

## PROCLAMATION OF THE PRESIDENT.

"EXECUTIVE MANSION, WASHINGTON, March 9th.

"It is with deep regret that the President announces to the people of the United States the death of Millard Fillmore, one of his honored predecessors, who died at Buffalo, N. Y., last evening.

"The long-continued public services and eminent purity of character of the deceased Ex-President will be remembered beyond the days of mourning in which the nation will be thrown by the event which is thus announced.

"As a mark of respect to his memory, it is ordered that the Executive mansion and the several Departments at Washington be draped in mourning until the close of the day on which the funeral shall take place, and that all business shall be suspended on the day of the funeral.

"It is furthermore ordered that the War and Navy Departments cause suitable military and naval honors to be paid on the occasion to the memory of the eminent citizen whose life is now closed. U. S. GRANT.

"HAMILTON FISH, Secretary of State."

Governor Dix sent the following message to the Legislature on Monday, 9th inst.:—

"EXECUTIVE CHAMBER, Albany, N. Y., March 9, 1874.

"TO THE LEGISLATURE:—

"I avail myself of the earliest moment to announce to you the death of Hon. Millard Fillmore, at his residence in Buffalo. The distinguished part which he bore in the affairs of the State and Union, and the ability and integrity with which he executed the various official trusts confided to him by his fellow-citizens, his faithful administration of the highest office in the gift of the American people, and the purity of character by which he was distinguished throughout his long, conspicuous, and useful career, constitute a claim to public respect to which I do not doubt you will be glad to give expression. It is gratifying to us, as citizens of this State, to be able to add that few men have passed through so many political vicissitudes as free from offense, and few lives have been characterized, from their beginning to their close, with such consistent calmness. JOHN A. DIX."

On Thursday, March 12th, after a short religious service at the late residence of Mr. Fillmore, conducted by the Rev. V. R. Hotchkiss, of the Baptist Church, which Mr. Fillmore usually attended, the

remains were carried to St. Paul's Cathedral, the Episcopal Church, where the Rev. Mr. Shelton, of that Church, delivered a funeral sermon in the presence of the Congressional Committees, distinguished visitors from various parts of the country, and a vast concourse of citizens, societies, military and naval officers, soldiers and friends. While public men and the newspapers generally were hardly unanimous in assigning Mr. Fillmore a place among the great, even in the thoughtless common sense of the term, Dr. Shelton seemed to be especially burdened with the idea, not only of Mr. Fillmore's greatness, but also of greatness in general. "There is a charm in greatness which subdues men," said this enthusiastic eulogist. The coffin containing the remains was wrapped in the national flag, and at the house and Church was beautifully decorated with flowers, and bore the inscription:—

**MILLARD FILLMORE.**

Born January 7th, 1800.

Died March 8th, 1874.

The body of the Ex-President was now borne before the vast procession to Forest Lawn Cemetery on the outskirts of the city of Buffalo, and there the long ceremony continuing for days was ended.

On the 28th of July, 1881, I visited this beautiful burial-place where I made the following record:—

The tomb of President Fillmore is a plain Scotch granite shaft resting on a Montpelier granite base.



The north face bears this inscription: "Millard Fillmore, born January 7, 1800; died March 8, 1874." On the same side on the base is the name, Fillmore. On the west side: "Abigail Powers, wife of Millard Fillmore, born March 13, 1798; died March 30, 1853." On the east side: "Caroline Carmichael, wife of Millard Fillmore." On the south side: "Our children. Millard Powers Fillmore. Mary Abigail Fillmore: born March 27, 1832; died July 26, 1854." Mr. Fillmore's grave is on the east side of the monument, the wife and daughter lie on the west, and by the side of the wife is the grave of her mother with a little head-board (marble slab) sunken so deep in the earth as to conceal the date of her death. The remaining inscription reads: "Abigail, widow of Benajah Strong, and formerly the wife of the Rev. Lemuel Powers, of Stillwater, New York, who died in 1800. She was born in 1756."

These graves are inclosed now in a small lot, thirty by forty feet, by an iron fence. The lot also contains two large arbor-vitæ trees. Near this spot, uninclosed stands the tomb of Mr. Fillmore's friend, George R. Babcock; and on the east of it is that of Nathan K. Hall. On the east side of his monument is the inscription, "Nathan Kelsey Hall, born March 28, 1810; died March 2, 1874. Integrity, industry, and perseverance will lead to honor, riches, and universal esteem." This very singular and suggestive legend leaves the traveler in some doubt as to whether its author was willing to stake everything on, or deemed riches and honor all that is worth

contending for in this world. Judge Hall was universally esteemed, perhaps, but was not very rich. On the less pretentious monument of Mr. Babcock you may read : "George R. Babcock, born September 20, 1805, died September 22, 1876. An upright man and feared God."

Near these tombs is the grave of Commodore Stephen Champlin, of the Navy, who was born in 1789, and died in 1870. And here, too, in this beautiful cemetery lie the remains of poor, brave General Bennet Riley, of the army, who died June 9, 1853, in his sixty-sixth year, and whose military worth was but poorly and slowly appreciated by his Government.

## CHAPTER XXII.

THE FILLMORES AT THE WHITE HOUSE—MOTHER AND  
DAUGHTER—M. P. FILLMORE—SECOND  
MARRIAGE—MRS. McINTOSH.

THE REV. MR. SHELTON, who knew Mr. Fillmore intimately, said of him in his funeral oration :—

“ But what shall we say upon the greatest of all subjects, his religion ? He often came to this house of worship, and reverently used his Book of Common Prayer, and he has said that its hallowed devotions had a benign influence upon his spirit. That he was reading books of evidence, and seeking for satisfactory arguments for the truth of the only religion which separates the heathen and the idolater from the Christian, and gives to man an idea of one holy and good and almighty God, is known to me.”

Mr. Fillmore's second wife was a Baptist, and he tried to conform to her views, or at least to her usages. Still, they attended together the Episcopal Church, and the Unitarian; but finally Mrs. Fillmore led him permanently to the Baptist Church, to which she transferred her membership from Albany. But, perhaps, Mr. Fillmore's heart, so far as he had any for such things, was really with the Unitarians, although, as has been seen, he never became a member of that or any other sect.

Mr. Fillmore's first wife (the "Lady of the White House") was the daughter of a Baptist preacher, and her mother, during her latter years, was an inmate of Mr. Fillmore's house; yet Mrs. Fillmore was not a Church-member, nor does it appear that her father's Church principles were embraced by her, although his religious sentiments were, to a great extent. She and her daughter, Mary Abigail, had strong preferences for Unitarianism. The real scope and import of President Fillmore's theological views it is not now so easy to give. His wife's Unitarian inclinations must have been derived from him, as her natural disposition, perhaps, would have led her to follow her father, the Baptist. This fact may argue a more decided theological and sectarian inclination on the part of Mr. Fillmore than was revealed to his neighbors and friends. And his association, during his latter years, with at least a formally religious wife, may have aided in developing a more certain religious state in himself.

In Mr. Fillmore's will, dated December 8, 1865, there is this item:—

"First,—I feel it a duty and a pleasure to record my dying testimony of the noble qualities of my beloved wife, Caroline C., who has ever proved a kind, affectionate, and devoted wife, and I hereby ratify and confirm the antenuptial contract between us, and wish my executors and heirs to see it fully and faithfully carried out and executed; and if she and my son, Millard Powers, shall both survive me, I hope and trust that they may love each other as I have loved them; and as they will both be orphans, indeed, I hope also that they will mutually render

each other every assistance due from a most affectionate parent to a beloved child, and from a most affectionate and dutiful child to a beloved parent; and with this I shall rest in peace."

This private antenuptial contract took away much of the interest of Mr. Fillmore's will, the main salient feature of which is the apparently studied effort to publish the very amicable relations existing between him and his wife, and the undoubted love they had for each other. Saying the least of this performance, it was in bad taste, and especially as with all refined, correct, high-minded, intelligent, and honorable people no other relations could be predicated.

While Millard Fillmore was yet a cloth-weaver's apprentice in Cayuga County he became acquainted with Abigail Powers. They attended the same school, and the friendship that sprang up between them at that time was a strong incentive to Fillmore to educate himself and develop some plans of life. Both inclination and necessity led Miss Powers to prepare herself, temporarily at least, for the profession of school-teaching; and in this way she not only supported herself, but also aided for a time in the maintenance of her mother. She was the youngest child of the Rev. Lemuel Powers, and was born at Stillwater, Saratoga County, New York, March 13, 1798. Two years afterwards her father died, leaving a large and needy family, none of whom rose to much public consequence. Mr. Powers, her father, belonged to an old New England family, but was



simply a hard-working, earnest, and poorly paid Baptist preacher. On the maternal side Miss Powers had perhaps a more distinguished origin, her mother, Abigail Newland, being one of the numerous and proud descendants of Henry Leland, an early English settler of Massachusetts. Whether the Lelands attributed any of the good fortune of this young girl to the fact of her connection with their old family, is matter of little moment; but at any rate they were proud of her success. As Mrs. Fillmore and the "Lady of the White House" she became quite as noted as, and more identified with the history of the country than, any of the ten thousand respectable descendants of Henry Leland. When she was nine or ten years old her mother, with other relatives, removed to Cayuga County, settling in the town (township) of Sempronius. She was exceedingly bright, and early exhibited a fondness for books, which her mother, a woman of good education and culture for the times, used what effort she could to strengthen. So soon as she was qualified she began to teach in the summer season to provide herself with means to attend school of winters. During this early life of struggle she met Millard Fillmore, whose circumstances and aspirations were similar to her own. Their acquaintance ripened into the friendship of love, which ended—with her death? But Fillmore was a tall, awkward, unformed, uncultured boy yet, and before him there stretched out a long work of preparation. In the meantime Miss Powers's mother was married, and she continued to teach and expand

into physical and mental womanhood. She was not, perhaps, what is called beautiful; but she had a combination of features that was exceedingly agreeable; her eyes, although light or blue, were luminous and expressive; and her face was an ever-ready index to her even, admirable, and well-cultured heart and mind; she was five feet and a half in height, lithe and graceful; her complexion was fair; and beautiful, curly, auburn hair, that usually hung in ringlets about her face, ornamented a compact, fair-sized, and shapely head.

This is, perhaps, a fair description of Abigail Powers when, at the age of twenty-eight, February 5, 1826, at Moravia, Cayuga County, she became the wife of Millard Fillmore. Immediately after her marriage, Mrs. Fillmore took up her residence at Aurora, where she continued to teach school for a time. She had a sunny, genial, bright, fruitful mind, and soon became as much of a favorite at Aurora as her husband. At this time, especially, Mrs. Fillmore possessed in a large degree the animal luxuriance termed "social quality," and although she always retained it to a good and reasonable extent, as life became more real, and its work more apparent, she found its gratification mainly in her own family, and among the few whom she could benefit by it. She never was, however, at any time the kind of woman to shine in "society." There was not enough of the sham and fictitious in her nature for that. And as responsibilities thickened about her and ill-health became her misfortune, she had still a greater

tendency to withdraw from public notice, and confine herself to the more limited sphere where she felt safety and satisfaction in the real and true which she could give and receive. While her husband was in the State Legislature she did not make a visit to Albany; nor did she go but a few times to Washington during Mr. Fillmore's Congressional service. The year he was Comptroller, she spent with him at the State Capital. When he went to Washington to be inaugurated Vice-President, and afterwards to preside over the Senate, she did not accompany him, but remained at their home in Buffalo. Nor did she join him at the White House for several months after he entered it as the successor of General Taylor; and even then her ill-health, and her indisposition to public and society display, to a great extent, made it necessary for her daughter to appear in her place as the head of the President's establishment. Although Mrs. Fillmore was pleased with the success of her husband, his elevation was really a calamity to her, and so she largely considered it. It broke up mainly the quiet home life in which she delighted, and which she never again was permitted to see, and opened to her a life of social turmoil for which she had no taste, and which ended at the grave. The following letter which I take the liberty of copying from "The Ladies of the White House" well exhibits Mrs. Fillmore's life, and her efforts to make her own and her husband's conduct acceptable:—

"The retiring modesty of manner so inseparable from the idea of a perfect lady was eminently characteristic of

Mrs. Fillmore. Although well qualified, and, when occasion required, ever ready to act her part, in the position which Providence assigned her, she much preferred the quiet of domestic life. Her home was pleasant, and while she was a woman of strong common sense, her tastes were highly refined. Especially was she fond of music and of flowers. Her love for the former received great gratification from her daughter's musical attainments, and her fondness for flowers amounted to a passion, and much of her time in her own home was devoted to their culture and care. Mrs. Fillmore read much and carefully, and being possessed of excellent powers of observation, was consequently a well-informed and cultivated woman. With qualities like these, it is superfluous to say that, when she was called to preside at the White House, she did it with dignity and propriety. She was not strong in health, and had suffered much from a sprained ankle, from which she never fully recovered. Fortunately for her, the etiquette of Washington did not require the President and his wife to return visits or to attend parties, though I believe the President did sometimes dine with a Cabinet Minister. All the claims of society were met and attended to by the daughter, and how well she, a young girl just from school, acquitted herself in this trying position, all will remember who were fortunate enough to come within the circle of her happy influence.

“When Mr. Fillmore entered the White House he found it entirely destitute of books. Mrs. Fillmore was in the habit of spending her leisure hours in reading, I might almost say in studying. She was accustomed to be surrounded with books of reference, maps and all other requirements of a well-furnished library, and she found it difficult to content herself in a house void of attractions. To meet this want, Mr. Fillmore asked of Congress, and received an appropriation, and selected a library, devoting to that purpose a large and pleasant room in the second

story of the house. Here Mrs. Fillmore surrounded herself with her own little home comforts, here her daughter had her own piano, harp, and guitar, and here Mrs. Fillmore received the informal visits of the friends she loved, and for her the real pleasures and enjoyments of the White House were in this room. With strangers she was dignified, quiet, and rather reserved; but with her friends she loved (liked) to throw aside all restraint and enjoy a good laugh and indulge in a little vein of humor which lay quietly hidden under the calm exterior.

“Mrs. Fillmore was proud of her husband’s success in life, and desirous that no reasonable expectation of the public should be disappointed. She never absented herself from the public receptions, dinners, or levees, when it was possible to be present; but her delicate health frequently rendered them not only irksome, but very painful, and she sometimes kept her bed all day to favor that weak ankle, that she might be able to endure the fatigue of the two hours she would be obliged to stand for the Friday evening levees. The President and Mrs. Fillmore received on Tuesday mornings, from twelve till two o’clock. The levees were on Friday evenings, from eight till ten, and at these there was generally a band of music, but no dancing. Every Thursday there was a large dinner party, and frequently another on Saturdays. Then there were often smaller dinners in the family dining-room, which were more sociable and agreeable, as the invitations were usually confined to the personal friends of the family. But what Mrs. Fillmore most enjoyed was to surround herself with a choice selection of congenial friends in her own favorite room, the library, where she could enjoy the music she so much loved (liked), and the conversation of the cultivated society, which Washington at that time certainly afforded. . . .

“One of the events of Mr. Fillmore’s first winter in the Executive mansion was a visit from his father. It



was the first time any President had ever entertained his father in the White House, and Mrs. Fillmore was very anxious lest some unlooked-for event might prevent this anticipated pleasure. But he arrived in safety on Monday night.

"Tuesday was reception-day. The morning papers announced that the venerable father of the President arrived in town the evening before. There was an unusual attendance at the reception that day, and it was interesting to watch each person, as they cast their eyes about the room, unable to light upon any one who answered to their idea of the 'venerable father of the President;' and when they were presented to him, as he stood before them, tall and perfectly erect, and with hair but little whiter than the President's, there was a general expression of surprise. They had evidently expected to see an infirm old man, bent with years and leaning upon a cane, and Mr. Nathaniel Fillmore, at the age of eighty, did not answer that description. Senators and Judges and Foreign Ministers came that morning, all anxious to pay their respects to the President's father. One gentleman from New York, anxious to draw him into conversation, said to him: 'Mr. Fillmore, you have been so very successful in bringing up sons, I wish you would tell me how to raise my little boy.' 'Cradle him in a sap-trough, sir,' said the old gentleman, always ready with an answer. That was an interesting reception to the President, and to all; and, when it was over, Mr. Fillmore, the elder, said to me: 'If I had had the power to mark out the path of life for my son, it would never have led to this place; but I can not help feeling a kind of pride in it now that he is here.'

"The routine of life at the White House which came under my observation did not vary materially from week to week. The social habits of both Mr. and Mrs. Fillmore were simple, and in accordance with those of well-bred people everywhere. Without ostentation or arrogance

they maintained the honor of the high position they were called to occupy with quiet dignity and ease.

"I was not in Washington the winter Mrs. Fillmore died, and therefore know nothing, except from others, of her illness and death; but I know that she died lamented by all who knew her well, and leaving behind her many pleasant memories. Her death was a terrible blow to her family, and to none more than to her daughter, a young lady whose beautiful life and sad death, following so soon upon her return to her own home, made such an indelible impression upon her friends, and for whom all her native city so justly mourned.

"The reverence her son had for her memory proves her to have been a devoted mother; and how tenderly Mr. Fillmore cherished that memory is shown in the sacredness with which he treasures every memento of her. I have heard him say that he had carefully preserved every line she ever wrote him, and that he could never destroy even the little notes she sent him on business to his office."

A contemporary writer gives this description of Mr. Fillmore at the time of entering upon the Presidency:—

"His complexion is light; his eyes are blue and lively; his forehead is broad, and he has a handsome Grecian mouth. His appearance would attract attention anywhere, as his abilities qualify him for any station. He is always composed, and all his acts are controlled by the dictates of his judgment. He is the incarnation of truth and integrity. He would never raise hopes and then blast them. He is frank, open, and manly. In public life and in private he is without guile, pure and untarnished. His talents are of a high grade; he is a sound thinker, and very sagacious; his judgment is clear, and his emotions never override it; he is always to be

relied on, and whatever he undertakes he will master. He belongs to that rare class whose merits are developed with every day's use; in whose minds new beauties and new riches are discovered as they are examined into. He has a high legal reputation; possesses great industry; is agreeable in conversation, and his information upon general subjects is varied and extensive."

Mr. Fillmore was now five feet and ten or eleven inches high, large and finely built. A man of this description at the head of affairs at Washington would, even in dull times, be able to lend some flavor to society matters. Mr. Fillmore was as anxious as his wife that nothing should be wanting in his Administration that was necessary to satisfy all reasonable expectations. The last winter of his term was especially lively at the Capital; and nothing furthered this state of affairs more than the condition of the Cabinet and of affairs at the White House. The resignation of Mr. Graham, a very popular member of the Executive family, brought into it the refined, genial, literary character, John Pendleton Kennedy, of Baltimore; and Mr. Kennedy's appearance in Washington brought Washington Irving to the Capital. Edward Everett, one of the most accomplished and splendid literary men of the country, also aided in making illustrious the last months of Mr. Fillmore's Administration, as the successor of Daniel Webster.

Mrs. Henry L. Scott, the General's daughter and housekeeper, and a large number of other beautiful women, also made the winter of 1852 famous at

Washington. The modest Kennedy thus describes his entrance upon official life at Washington:—

*“July 24, 1852.—*Call on the President at eight. Find Mrs. Fillmore and her daughter in the drawing-room. Mr. Fillmore comes in, and, after a very kind reception, tells me that he is holding a Cabinet Council, and says I may as well begin at once and join them in consultation. I go with him to the Council Chamber, where I find Conrad, the Secretary of War, Stuart, of the Interior, and Postmaster-General Hall. Presently Crittenden came in. The subject is the difficulty with England concerning the fisheries. The Ministry in England have sent several armed vessels to the coast of Nova Scotia and Newfoundland, with orders to seize all American fishing-vessels which may be found fishing within the limits interdicted by the Treaty of 1818. They have recently seized two or three in the Bay of Fundy, which has caused immense excitement in New England. Mason and others opposed to the Administration, in the Senate, have made violent speeches, treating the seizures as a great outrage, and demanding that the Government send cruisers there to protect our fishermen.

*“*Mr. Webster, who is in Boston, has issued a kind of manifesto on the subject, warning our fishermen against any real infringement of the treaty, and rather intimating a doubt as to the lawfulness of the seizure. Crampton, the British Minister, has followed him to Boston with a view to some discussion of the subject. Mr. Webster has asked the President by telegraph this evening whether he shall give notice to the Colonial authorities to warn them against any seizures. This dispatch is the subject of debate. It is declared that this Government should not discuss the question with the Colonial government, but with the British Minister, and it is thought Mr. Webster ought to come here to Washington and consult with

the President. We read Lord Aberdeen's letter to Mr. Everett in 1845, in which the Ministry consent to a relaxation of the restrictions of the treaty so far as to allow our people to fish in the Bay of Fundy. The English interpretation of the treaty seems to be clearly correct, and all we can complain of is the rather brusque manner in which they have so suddenly determined to enforce their restrictions. We, however, have no authentic statement of facts, and all judgment may be now premature."

"*July 27, 1852.*—At eleven the President sends for me to say that it has become necessary to send a ship of war to the fishing-grounds to examine into the subject of complaint and excitement there, and wants to know how soon I can have one. I tell him the steamer *Mississippi*, Captain McCluney, is now ready for sea in New York. She is prepared for the Japan Expedition. He directs me to telegraph McCluney to have the ship in sailing trim and ready for orders. He tells me that it is necessary to prepare a letter of instructions for the officer who is to take charge of the cruise, in which he desires me to make a review of the fishing question and the respective rights of England and the United States under the Treaties of 1783 and 1818, and then to give such instructions as may be necessary to protect our people against illegal seizures by the British force, and also to warn such of our people as may have violated the Treaty of 1818 against the consequences of their conduct. The President suggests that Commodore Perry, who is commander of the Japan squadron, had better be sent in the *Mississippi*. I send on orders by telegraph to have the ship ready; see Perry and advise him that he will have to set out perhaps to-morrow; then to my office to write the instructions, which I find very difficult to do amidst the thousand interruptions I have there; I throw together the outlines; I shut myself up and write till twelve; with an exhausted brain and a disturbed nervous system I go to bed, and get but little



sleep; my head with a dull weight in it, and dream of the treaties, Lord Aberdeen, and the cod-fish."

Something of the manner in which the winter of 1852 went at Washington, and the way poor Kennedy's head and heels were kept flying, may be seen from the following extract from a letter to his father-in-law, dated January 25, 1853:—

"I would have written sooner but for the constant dogging at my heels of the hosts who come for business, and the high-steam pressure of the young girls staying with us, to keep pace with them in the pursuit of what they call pleasure. Irving, too, is such a lion that I am kept at a gallop to overtake the engagements he puts upon me. On the whole, I am a hard-driven man.

"We have dinners every day and sometimes have to refuse two for the same day. Irving was invited to dine next Wednesday at the Postmaster-General's; the invitation came ten days ahead, and he has accepted, as he says, 'if he is spared.'"

The winter was one of much harmony and good feeling in Washington, and Mr. Fillmore and his family did what they could to add to this, as well as render as agreeable as possible the new occupants of the White House. The close of Mr. Fillmore's term was hailed with peculiar joy by his family, and especially by his wife, who looked forward to the rest and quiet, in which she delighted, at her home in Buffalo. Although her health was poor she hoped for years of a happy and useful life. On the 4th of March she took cold, which increased her lung difficulties, and from this time she sank rapidly, until on the 30th of March she died at Willard's Hotel, where

the family had gone to reside after leaving the White House. On that day Mr. Kennedy wrote in his diary:—

“E. and I determined to go down by the late train at seven o’clock to see the family. We do so, and arrive at Willard’s at nine. I address a note to Mr. Fillmore, and E. and I are admitted. He and his son and daughter receive us with a sad welcome. They are calm, but in great distress. Mr. Fillmore talks very freely to us about this melancholy event. Mrs. Fillmore was greatly oppressed with water on the lungs. She suffered much pain until last night, when she grew easier. Her cough ceased, and they thought she was better; but the signs were more dangerous than the family supposed. She expired at nine o’clock this morning, without pain, and perfectly composed. She was a kind, unpretending, good woman, full of the most sterling virtues, greatly beloved in her family and respected by everybody. There was no member of the late Cabinet in Washington but myself.”

Thus at a time when life seemed most desirable ended the earthly career of this good woman, one of the most genuine and admirable of all those who have filled the place of “Lady of the White House.” Her remains were carried to Buffalo, and deposited by her friends in Forest Lawn Cemetery, April 2, 1853. And,

“Around her loved and honored grave  
The severed ‘household band’ may come,  
And seem to hear those blessed tones  
That made the music of her home.  
The faded form, the silent shroud,—  
These, these were all they gave the tomb;  
She watches o’er them, while she wears  
The freshness of immortal bloom.”

Mr. Fillmore had but two children, a son and a daughter, and these were by his first marriage. The daughter, Mary Abigail, was practically at the head of domestic affairs in the White House, owing to the ill-health and inclinations of her mother. She was, in many respects, well qualified for the place she was required to fill. She possessed the general traits of her parents, with a mind more independent but, perhaps, less calm than that of her father. She was plain in manners and appearance, but had a fine education, and possessed a well-balanced mind. She graduated at the State Normal School at Albany, and according to the requirements of that institution was designed for a teacher. This course was in harmony with the wishes of her parents, and about the time of Mr. Fillmore's election as Vice-President, she actually taught for a few months in one of the Buffalo schools. She died of cholera at Aurora, July 26, 1854, and her remains were placed by the side of her mother's, in Forest Lawn.

The following extracts from notices of her in the Buffalo papers at the time of her death contain all additional facts necessary to be given here touching the life and death of this young woman, known in the history of social life at Washington, and so deeply esteemed by her family and friends:—

“As an only and much-beloved daughter, her parents were resolved to give her an excellent practical education. As they were unwilling to spare her from the little family circle, she received much of her primary education at our excellent public schools, and the higher branches, with the

modern languages, music, drawing, and painting, were taught her by private tutors. That she might learn away from home something of the world, without imbibing its views, and be taught self-reliance under judicious restraints, she was sent for a single year to the celebrated select family school of Mrs. Sedgwick, in Lennox, Massachusetts. She left that school feeling the necessity of an education, not merely of grace and ornament, but which should, in case of reverse of fortune, place her beyond that degrading and painful feeling of dependence which so often renders the life of a female in this country one of wretchedness and misery. She, therefore, expressed a desire to attend the State Normal School and qualify herself to be a teacher. This she could not do without assuming an obligation to teach. To this requirement she readily submitted, and entered the school.

“Graduating at the end of six months with highest honors, she was then employed as a teacher in the higher department of one of the public schools of Buffalo for three months, where she exhibited an aptitude and capacity for teaching that gave entire satisfaction. But the death of General Taylor, and the consequent elevation of her father to the Presidency, compelled his family to relinquish their residence here and remove to Washington. This introduced her into a new sphere of action ; but she moved in it with the same apparent ease and grace that she would have done had she been bred in the midst of the society of the Federal city. At the close of her father’s official term she was destined to suffer a heart-rending bereavement in the death of her excellent and devoted mother. She returned with her father and brother to their desolate home in this city, and by her entire devotion to the duties thus suddenly devolved upon her, she relieved her father from all household cares, and exhibited those high domestic and social qualities which gave a grace and charm, as well as system and regularity, to the home

over which she presided. She again called around her the friends of her childhood and early youth, for no change of fortune had in the least impaired her early attachments. . . .

"She had some weeks since promised a visit to her grandfather at Aurora, about seventeen miles from this city. She went from here in the afternoon of Tuesday last, in good spirits and apparent good health, and she reached Aurora in the evening. She appeared well and cheerful on her arrival, and after conversing with her grandparents she retired to rest about nine o'clock.

"She was soon after attacked with what proved to be the cholera; but unwilling to disturb the family, she called no one until after twelve o'clock, when a physician was sent for, but alas! too late. A messenger was dispatched for her father and brother, but they only arrived to see her breathe her last, unconscious of their presence. She died about eleven o'clock on Wednesday morning, July 26th. The effects of this crushing shock upon her fond and devoted father and affectionate brother may, perhaps, be imagined, but can not be described."

Mr. Fillmore's son, Millard Powers Fillmore, was born in 1828 at Aurora, New York; is a lawyer by profession, and resides in Buffalo. He is a large man, like the other Fillmores, and is said by some of his friends to have more legal ability than his father possessed, if not to surpass him in some other respects.

On February 10, 1858, Ex-President Fillmore was married to Caroline McIntosh, the widow of E. C. McIntosh, a well-to-do queensware merchant and "business man" of Albany. Her father was Charles Carmichael, of New Jersey, and she was born at



Morristown, in that State, in 1811. This Mrs. Fillmore was of Scotch, or Scotch-Irish, descent. Mr. Fillmore became acquainted with her in 1857, although it is not unlikely that he heard or knew of her during his residence in Albany years before. She was reputed to be a rich widow, and the fact of her being left in comfortable circumstances by Mr. McIntosh doubtless had something to do in turning Mr. Fillmore's attention towards her. In Mrs. McIntosh there appeared nothing unusually attractive, either in mind or person. Still she was a plump and rather good-looking little woman, not even at the last weighing much less than a hundred and forty pounds. But she was very short, and must have cut a singular and ridiculous figure by the side of her massive, tall, and manly husband, under whose arm she could slip almost without stooping.

As a matter of course, Mr. Fillmore's only child was not in favor of this marriage, and was long unwilling to become reconciled to the new state of affairs in his father's house. But Mr. Fillmore was purely a domestic man; and was greatly attached to Mrs. McIntosh, that is, Mrs. Fillmore, his second wife, as he had been to the mother of his children. She was, no doubt, of real benefit to Mr. Fillmore, especially in a religious point of view; and from his elegant manners, scholarly and exact ways, and public standing, she certainly lost nothing. She was, however, a woman of very decided whims, although not by any means without some pretensions to cul-

tured tastes. With her husband she lived on great good terms, and he left a monument to her credit in that respect in his will; but she was not so successful after his death with others, as her own last will and testament manifests. Age and disease, unfortunately, together or singly, do not always soften temper. In her friendships she was very exclusive; no bad quality, however; and especially had she little inclination to take into favor or notice poor relatives. Nor in this latter trait was she unlike most other people, perhaps. But she had few relatives of any kind, and no very near ones.

The Fillmore residence, that in which the President and this wife lived and died, was bought by Mr. Fillmore soon after his service as President, of James Hollister, an old merchant of Buffalo. It stands on the corner of Delaware Avenue, facing Niagara Square or Circle, the most beautiful part of the city, perhaps, and is an old Gothic structure, with two worthless towers in front, and a broad, deep church-like entrance, and is two stories high, having about fourteen rooms. It stands full out on the sidewalk, but the beautiful hard-maple and elm trees nearly conceal it from view. There is a little inside rear yard, in which there is a flower-house. A carriage-house and stable connect with the dwelling in the rear on the avenue. Externally this is not an attractive house; but within it is a wonder of abundance, if not of richness. Mrs. Fillmore (Mrs. McIntosh) had a passion for pictures, and the result was that she turned her house into a gallery.

The walls were lined with pictures of almost every description. Among these were pictures of herself and Mr. Fillmore, also of his daughter and other members of his family. In the library-room, on the first floor, the second room from the front entrance on the right side of the hall, Mr. Fillmore died. When I visited this place in July, 1881, Mrs. Fillmore, having had recently two strokes of paralysis, was unable to speak the simplest word. She lingered along but a short time, and died on Thursday night, August 11, 1881. On the following Saturday her remains were placed by the side of those of her husband.

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